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UNION OF SOUTH AFRICA

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REPORT

OF THE

SELECT COMMITTEE

ON

Petitions of J. B. M. Hertzog and J. L. Van Eyssen.

Printed by Order of the House of Assembly.

JUNE, 1922.

CAPE TOWN :

CAPE TIMES LIMITED, GOVERNMENT PRINTERS
1922.

[S.C. 4-'22.]—PETITIONS OF J. B. M. HERTZOG AND J. L. VAN EYSEN.

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ORDERS OF THE HOUSE.

24th April, 1922.

ORDERED: That the petition from J. B. M. Hertzog, member of the House of Assembly for the Electoral Division of Smithfield, praying for the appointment of a Select Committee to enquire into and report upon a telegraphic communication alleged by Mr. J. L. van Eyssen to have been received by him from the Chamber of Mines, Johannesburg, on the question of the attitude of the Chamber in respect of a motion submitted to this House on the 21st February, 1922, on the subject of the strike on the Witwatersrand, presented to this House on the 20th April, 1922, and the petition from J. L. van Eyssen, a mining engineer and representative in Cape Town of the Transvaal Chamber of Mines, presented to this House to-day, praying that the Committee include in its enquiry the subject-matter of a letter dated the 25th February, 1922, written by him to Gen. Hertzog and the verbal communications which took place between himself and Gen. Hertzog on the subject of the motion above referred to, be referred to a Select Committee for enquiry and report; the Committee to have power to take evidence and call for papers, and to consist of five members to be nominated by Mr. Speaker; and further that leave be granted Mr. van Eyssen to obtain from the Clerk of the House a copy of the first-mentioned petition, and that he be permitted to be represented by Counsel and/or a Parliamentary Agent before the Committee; and that leave be granted to Gen. Hertzog to obtain from the Clerk of the House a copy of the second-mentioned petition, and that he be permitted to be represented by Counsel and/or a Parliamentary Agent before the Committee.

25th April, 1922.

ORDERED: That Messrs. Bisset, van der Riet, Beyers, Jansen and Mackeurtan be members of the Committee; Mr. Bisset to be Chairman.

REPORT

OF THE

SELECT COMMITTEE, appointed by Orders of the House of Assembly, dated the 24th and 25th April, 1922, on the petitions of J. B. M. Hertzog and J. L. van Eyssen ; the Committee to have power to take evidence and call for papers, and to consist of Messrs. BISSET, VAN DER RIET, BEYERS, JANSEN and MACKEURTAN.

Your Committee, having considered the petitions of J. B. M. Hertzog and J. L. van Eyssen, referred to it, and having taken evidence, which is submitted herewith, begs to report as follows :—

Throughout the enquiry which extended over many sittings, Mr. van Eyssen was represented by counsel. General Hertzog was unrepresented and was not present except for the purpose of giving his own evidence, but the evidence of a number of witnesses was tendered on his behalf.

The Committee regrets that the completion of its enquiry has been considerably delayed owing to the inability, through illness, of a material witness to appear to give his evidence.

From the petitions as amplified by the evidence, it will appear that the essence of the entire enquiry was for the Committee to determine (1) whether Mr. van Eyssen gave General Hertzog and members of the Nationalist Party to understand that the Chamber of Mines had no objection to General Hertzog's motion, and (2) whether he showed to General Hertzog and members of the Nationalist Party a telegram or what purported to be a telegram from the Chamber to the effect that the Chamber was prepared to accept the decision of the House upon General Hertzog's motion. The motion referred to was one introduced by General Hertzog on the 21st February, 1922, on notice given on the 17th February and was in the following terms :—

That this House, while anxious that the strike on the mines should be terminated as soon as possible and that as far as possible the causes giving rise thereto shall be removed in a manner which will

ensure also for the future a good understanding between employee and employer, resolves—

- (a) that it is desirable that the present strike be terminated as soon as possible, and declares that it is not in the interest of the country that any change should be brought about in any law, or established custom or agreement, whereby the sphere of employment at present secured to the European labourers on the mines shall be curtailed in favour of native labour, and that if necessary the Government be instructed immediately to take legislative action in order to prevent any such curtailment ;
- (b) that it is desirable that the mine labourers at present out on strike should immediately resume their work, and that the mine owners should immediately reinstate them ;
- (c) that a Select Committee with power to take evidence and call for papers be appointed to consider and report upon the appointment and composition of a body entrusted with the decision upon and the solution of the existing disputes between the mine owners and their employees, the Committee to have the power to report upon the desirability of establishing a permanent body empowered to decide industrial disputes ; and
- (d) that if the mine owners and the mine labourers within seven days of the passing of this resolution notify that they are prepared to submit to the desire as expressed in paragraph (b) of this resolution, the Select Committee appointed with power to take evidence and call for papers shall within seven days from the receipt of such notice of submission recommend the terms and conditions upon which the resumption of labour by the employees and the reinstatement by the employers shall be assumed to have taken place and shall report the said terms and conditions to this House : provided, however—
 - (i) that such terms and conditions shall be only provisional ;
 - (ii) that the body contemplated under paragraph (c) of this resolution shall be entrusted

- with the revision and fixing of the terms and conditions thus recommended by the Select Committee ; and
- (iii) that any modification brought about by the said body in the terms and conditions shall be retrospective as from the day upon which work has been resumed, unless otherwise determined by the said body.

It will be obvious from a perusal of the evidence that the Committee, as was to be expected, was faced with a violent conflict of testimony between General Hertzog and his witnesses on the one hand and Mr. van Eyssen on the other.

The difficulty of the task with which the Committee has been faced, however, has been considerably augmented by discrepancies in the evidence, and lapses in the memories of witnesses who might have been expected to be in agreement as to the main features of outstanding incidents with regard to which they were giving testimony.

Generally there was great confusion with regard to times and dates and much variance on matters of detail.

To some extent this was to be expected under all the circumstances, and in view of the fact that no one supposed that the incidents and conversations which have assumed importance in this enquiry would ever be the subject of investigation. The fact, too, that General Hertzog was not represented by counsel and that the evidence of the witnesses who appeared on his behalf had not been sifted in consultation with counsel in the ordinary way, probably accounts for some of the haziness of recollection which was apparent throughout the proceedings.

But when all allowance has been made for these considerations, the enquiry furnishes a very remarkable example of the fallibility of human memory.

Your Committee has given careful consideration to the contradictions, discrepancies, lapses of memory and other circumstances in the evidence pointed out and discussed at great length by counsel in an able argument on behalf of Mr. van Eyssen, and it has borne in mind the principle that in an enquiry of a character so serious to the parties concerned, a conclusion adverse to one of those parties is not to be arrived at if room exists for any reasonable doubt.

The pivot of the entire enquiry in the opinion of your Committee is the document admittedly handed by Mr. van Eyssen to Mr. Havenga to give to Mr. van Heerden. If the Committee believes the version given by Mr. Havenga, supported by Messrs. van Heerden, Fourie and Wessels, that this was represented as being or purported to be a copy of a telegram sent by the Chamber in reply to a telegram despatched by Mr. van Eyssen, and that it was in form a copy of a telegram, the view which the Committee takes of the rest of the evidence must be much affected by this conclusion.

For it is recognized clearly on both sides that there can be no room for mistake with regard to the character of this document. Mr. van Eyssen says it was a note and could not have been mistaken for anything else. Mr. Havenga and the other witnesses say it was in the form of a telegram from the Chamber to van Eyssen and could not have been taken to be anything else.

It was suggested in argument, though not in evidence, that *possibly* this document, when it reached Mr. van Heerden, Mr. Fourie and Mr. Wessels, was not in the form in which it was handed to Mr. Havenga. There is nothing whatever in evidence to support such a suggestion or theory, and your Committee is satisfied that the document which reached these gentlemen was the identical piece of paper in the identical form in which it was handed to Mr. Havenga.

The result is that these four witnesses swear positively that this piece of paper handed to Mr. Havenga by Mr. van Eyssen as a copy of a telegraphic reply to an enquiry as to the Chamber's attitude, was in the nature of a telegraphic communication expressing the attitude of the Chamber towards the motion. It was not a definite acceptance of that motion. It defined the attitude of the Chamber as a neutral one—of acquiescence in the decision of the House—and to this extent was not satisfactory in the sense which Mr. van Heerden says he had expected in view of what Mr. van Eyssen had previously told him. But it was in marked contrast to the telegram which the Chamber did send on the 23rd February, 1922 (never shown to General Hertzog or any of his party), and saying that the motion was quite impracticable and entirely unacceptable.

Your Committee is of opinion that there can be no reasonable doubt as to the correctness of the version of the contents of this document given by these four witnesses, and if once your Committee believes, as it does believe, that such a document was exhibited to these witnesses, the credibility of Mr. van Eyssen as to other occasions on which he is alleged to have shown a similar document—whether purporting to be the original or a copy of such a telegram—is much affected.

He is said to have shown this telegram, or a copy of a telegram, to General Hertzog in a writing-room of the House on the 23rd or 24th February, 1922, on the occasion of the “Louw incident.” General Hertzog’s version of this is clear and definite (*Qs.* 932—3) and like his evidence with regard to the interview of 5th April, 1922, was given in a manner and with a sincerity that impressed your Committee. Messrs. Fourie and van Heerden who were present, do not support General Hertzog as to this telegram being shown on this occasion, indeed the evidence of Mr. van Heerden is substantially to the effect that it was not shown; Mr. Fourie is not aware that it was shown, but says it may have been. Mr. van Eyssen also says it could not have been shown, but has little or no recollection of what occurred at this interview.

In view of the discrepancy between the evidence of General Hertzog and his two witnesses, the version of General Hertzog could not be founded upon as sufficient proof of the allegation that the telegram was shown to him on this occasion, if this incident stood alone.

But apart from this incident there is much very powerful corroboration of the allegation that a telegram, or what purported to be a telegram, or copy of a telegram, of the nature alleged was exhibited to General Hertzog and other members of his party by Mr. van Eyssen.

In particular the interview of the 5th April, as to which the Committee accepts the account given by General Hertzog, supported by Mr. Havenga; and the very clear and direct evidence of Dr. Malan.

There is other evidence in corroboration, upon which it is unnecessary to dwell in detail. One circumstance, however, which very unfavourably impressed your Committee with regard to the evidence of Mr. van Eyssen may be alluded to.

As early as the 2nd March, 1922, it was clearly stated both in a sub-leader headed "Die saak van Eyssen" and in a report in an adjoining column of an interview with Mr. van Heerden headed "Die Kamer en mosie Hertzog", appearing in *Die Burger*, that Mr. van Eyssen had exhibited a telegram substantially in the terms alleged throughout the enquiry. This telegram was described in the sub-leader as "'n meesterstuk van diplomatieke dubbelsinnigheid". Mr. van Eyssen at no time until the 6th April, denied having exhibited such a telegram. He explained this by stating that he had only read a portion of the article "Die saak van Eyssen" and not being a reader of *Die Burger*, had never had his attention drawn to this statement. He admits, however, that he read portion of the article headed "Die saak van Eyssen" and dealt with it in an answer sent to *Die Burger* that day and beginning "Ek het die aanmerkinge van van daagse *Die Burger* ge lees". In view of this your Committee could not accept his explanation.

It is clear from the evidence of the Postmaster-General, Major Sturman and Mr. Cook, a post office official, that no such telegram from "Bullion" Johannesburg to van Eyssen, at Cape Town, in the terms already referred to was sent between the 17th and 25th February, 1922. The only telegram relevant to this enquiry sent by the Chamber to Mr. van Eyssen was a telegram, dated the 23rd February, which Mr. van Eyssen says he received on the morning of 24th running "General Hertzog's motion quite impracticable and entirely unacceptable to us".

With regard to the allegation by General Hertzog that Mr. van Eyssen had informed General Hertzog and other members of his party that there was no objection on the part of the Chamber to General Hertzog's motion, your Committee is of opinion that the attitude and language of Mr. van Eyssen induced such an impression on the part of General Hertzog and his friends, but your Committee is not prepared to say that there may not have been some misunderstanding upon this point.

With regard to the letter referred to in Mr. van Eyssen's Petition, written by Mr. van Eyssen to General Hertzog on the 25th February, 1922, the Committee is of opinion, bearing in mind the circumstances under which that letter was written and handed to General Hertzog,

and its finding that the disputed telegram was communicated to him and others, that there is no reason why General Hertzog's explanation, given in evidence, of the fact that he did not reply to this letter or refer to it in his speech of the 3rd April, 1922, should not be accepted.

M. BISSET,

Chairman.

Committee Rooms,
House of Assembly,
30th June, 1922.

PROCEEDINGS OF COMMITTEE.

PROCEEDINGS OF THE SELECT COMMITTEE, appointed by Orders of the House of Assembly, dated the 24th and 25th April, 1922, on the petitions of J. B. M. Hertzog and J. L. van Eyssen ; the Committee to have power to take evidence and call for papers, and to consist of Messrs. BISSET, VAN DER RIET, BEYERS, JANSEN and MACKEURTAN.

Friday, 28th April. 1922.

PRESENT :

Mr. van der Riet.
Mr. Beyers.

Mr. Jansen.
Mr. Mackeurtan.

Clerk read Orders of the House, dated the 24th and 25th April, 1922, appointing the Committee, and Mr. Speaker's nomination of the Committee with Mr. Bisset as Chairman.

In the absence of the Chairman,

On the motion of Mr. Mackeurtan,

Resolved : That Mr. van der Riet take the Chair.

Clerk laid upon the Table the petitions of J. B. M. Hertzog and J. L. van Eyssen. [Appendices A and B.]

The Committee deliberated and adjourned until Friday, at 9.30 a.m.

Friday, 5th May. 1922.

PRESENT :

MR. BISSET (Chairman).

Mr. van der Riet.
Mr. Jansen.

Mr. Mackeurtan.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter of the firm of Messrs. Coulter & Co., Parliamentary Agents), appeared on behalf of Mr. J. L. van Eyssen.

On the motion of the Chairman,

Resolved : That, in terms of Standing Order No. 233, the evidence given before the Committee be recorded and transcribed *verbatim*, and that the witnesses be examined on oath.

Mr. Nicolaas Christiaan Havenga, M.L.A., was examined on oath by the Committee (and through the Chairman) by Advocate Davis and put in :—

(1) Letter, dated 6th April, 1922, from witness to Mr. J. L. van Eyssen. [Appendix C.]

(2) Copy of letter, dated 25th February, 1922, from Mr. J. L. van Eyssen to Gen. J. B. M. Hertzog, M.L.A. [Appendix D.]

- (3) Letter, dated 5th April, 1922, from Mr. J. L. van Eyssen to witness. [Appendix E.]
 (4) Letter, dated 6th April, 1922, from Mr. J. L. van Eyssen to witness. [Appendix F.]

On the motion of the Chairman,

Resolved: That there be laid before the Committee issues of *Die Burger* newspaper of the 24th, 25th, 27th and 28th February, and of the 2nd and 3rd, March, 1922; of the *Cape Argus* of the 27th February, 1922; and of the *Cape Times* of the 5th April, 1922.

The Committee deliberated and adjourned until Monday, at 9.30 a.m.

Monday, 8th May, 1922.

PRESENT:

Mr. BISSET (Chairman).

Mr. van der Riet.
 Mr. Jansen.

Mr. Mackeurtan.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter, of the firm of Messrs. Coulter & Co., Parliamentary Agents), appeared on behalf of Mr. J. L. van Eyssen.

Senator the Hon. Isaac William Brunt de Villiers and Mr. Izak Petrus van Heerden, M.L.A., were examined on oath by the Committee and (through the Chairman) by Advocate Davis, and Senator de Villiers put in draft letter, dated 2nd March, 1922, written by himself for publication in *Die Burger*. [Appendix G.]

Clerk laid upon the Table copies of newspapers required by the Committee in compliance with its resolution of the 5th instant.

The Committee deliberated and adjourned until to-morrow, at 9.30 a.m.

Tuesday, 9th May, 1922.

PRESENT:

Mr. BISSET (Chairman).

Mr. van der Riet.
 Mr. Jansen.

Mr. Mackeurtan.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter, of the firm of Messrs. Coulter & Co., Parliamentary Agents), appeared on behalf of Mr. J. L. van Eyssen.

Mr. Charles Gustav Fichardt, M.L.A., Mr. Johannes Bernardus Wessels, M.L.A., Mr. Johannes Steinmeyer, Acting Assistant Editor of *Die Burger*, were examined on oath; and Mr. George Albertyn Louw, M.L.A., was examined on affirmation by the Committee and (through the Chairman), by Advocate Davis.

The Committee adjourned until to-morrow at 9.30 a.m.

Wednesday, 10th May, 1922.

PRESENT :

Mr. BISSET (Chairman).

Mr. van der Riet.

Mr. Jansen.

Mr. Beyers.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter of the firm of Messrs. Coulter & Co., Parliamentary Agents), appeared on behalf of Mr. J. L. van Eyssen.

General the Hon. J. B. M. Hertzog, M.L.A., was examined on oath by the Committee and (through the Chairman), by Advocate Davis, and put in :—

- (1) Original of copy of letter, dated 25th February, 1922, from Mr. J. L. van Eyssen to witness, put in by Mr. N. C. Havenga, M.L.A., on the 5th instant, and marked. [Appendix D].
- (2) Copy of correspondence and statements handed by Mr. J. L. van Eyssen to witness at the interview on the 18th February, 1922, on the subject of the position of the gold mining industry.

The Committee adjourned until to-morrow, at 9.30 a.m.

Thursday, 11th May, 1922.

PRESENT :

Mr. BISSET (Chairman).

Mr. van der Riet.

Mr. Jansen.

Mr. Beyers.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter of the firm of Messrs. Coulter & Co., Parliamentary Agents), appeared on behalf of Mr. J. L. van Eyssen.

Clerk laid upon the Table a letter, dated the 9th instant, from Messrs. Coulter & Co., Parliamentary Agents, requesting that the Postmaster, Central Post Office, Cape Town, be summoned to produce before the Committee all telegrams received by Mr. J. L. van Eyssen from the Chamber of Mines, Johannesburg, or sent to it by him during the period 17th to 25th February, 1922, inclusive.

On the motion of the Chairman,

Resolved: That the Postmaster-General be summoned accordingly.

On the motion of the Chairman,

Resolved: That, subject to the approval of Mr. Speaker, printed copies of the evidence taken by the Committee be supplied to Counsel for Mr. J. L. van Eyssen and to Gen. Hertzog.

Mr. Henry de Villiers Steytler, a representative of the Chamber of Mines in Cape Town, was examined on oath, and Gen. the Hon. James Barry Munnik Hertzog, M.L.A., was further examined [S.C. 4—'22.]

by the Committee and (through the Chairman), by Advocate Davis.

The Committee adjourned until Monday, at 9.30 a.m.

Monday, 15th May, 1922.

PRESENT :

Mr. BISSET (Chairman).

Mr. van der Riet.

Mr. Jansen.

Mr. Beyers.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter of the firm of Messrs. Coulter & Co., Parliamentary Agents), appeared on behalf of Mr. J. L. van Eyssen.

Mr. Frederick Rompel, Assistant Editor of *Die Burger*, and Major E. A. Sturman, C.B.E., Postmaster-General, were examined on oath by the Committee and (through the Chairman) by Advocate Davis.

Messrs. James Joseph Cooke and Ernest Charles Ellis, officials in the Postmaster-General's Department, were examined on oath by the Committee.

Mr. Rompel put in :

- (1) Draft of letter by Mr. J. L. van Eyssen to the Editor of *Die Burger*.
- (2) Draft of article appearing in *Die Burger* dated 3rd March, 1922, headed "Die van Eyssen saak—Weer 'n onderhoud—Meer ophelderings."

Major Sturman put in :

- (1) Original telegram, No. 185, dated 23rd February, 1922, from "van Eyssen" to "Bullion, Johannesburg." [Appendix L.]
- (2) Original telegram, No. 4844, dated 23rd February, 1922, from "Bullion" to "van Eyssen, Mount Nelson Hotel, Cape Town." [Appendix M.]

Advocate Davis, on behalf of Mr. J. L. van Eyssen, put in original copies of above telegrams which were delivered to the respective addressees.

The Committee adjourned until to-morrow, at 9.30 a.m.

Tuesday, 16th May, 1922.

PRESENT :

Mr. BISSET (Chairman).

Mr. van der Riet.

Mr. Jansen.

Mr. Beyers.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter of the firm of Messrs. Coulter & Co. Parliamentary Agents), appeared on behalf of Mr. J. L. van Eyssen.

Messrs. Adriaan Paulus Johannes Fourie, Jan Hendrik Hofmeyr de Waal, Charles Arthur Augustus Sephton and William John

O'Brien, members of the House of Assembly, and Mr. Jacobus Lodewicus van Eyssen, were examined on oath by the Committee and (through the Chairman), by Advocate Davis.

The Committee adjourned until to-morrow, at 9.30 a.m.

Wednesday, 17th May, 1922.

PRESENT :

Mr. BISSET (Chairman).

Mr. van der Riet.

Mr. Jansen.

Mr. Beyers.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter, of the firm of Messrs. Coulter & Co., Parliamentary Agents), appeared on behalf of Mr. J. L. van Eyssen.

The Chairman laid upon the Table a letter, dated 13th instant, addressed to him by Gen. Hertzog enclosing a document referred to by him in evidence containing a statement of certain alleged admissions by Mr. van Eyssen. [Appendix O.]

Col.-Cdt. William Richard Collins, D.T.D., D.S.O., M.L.A., was examined on oath by the Committee and (through the Chairman) by Advocate Davis.

Mr. Jacobus Lodewicus van Eyssen, was further examined.

The Committee adjourned until to-morrow, at 9.30 a.m.

Thursday, 18th May, 1922.

PRESENT :

Mr. BISSET (Chairman).

Mr. van der Riet.

Mr. Jansen.

Mr. Beyers.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter, of the firm of Messrs. Coulter & Co., Parliamentary Agents), appeared on behalf of Mr. J. L. van Eyssen.

Mr. Jacobus Lodewicus van Eyssen was further examined.

The Committee adjourned until to-morrow, at 11 a.m.

Friday, 19th May, 1922.

PRESENT :

Mr. BISSET (Chairman).

Mr. van der Riet.

Mr. Jansen.

Mr. Beyers.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter, of the firm of Messrs. Coulter & Co., Parliamentary Agents), appeared on behalf of Mr. J. L. van Eyssen.

Mr. Jacobus Lodewicus van Eyssen was further examined.

The Committee deliberated and adjourned until Tuesday,, at 9.30 a.m.

[S.C. 4—'22.]

Tuesday, 23rd May, 1922.

PRESENT :

Mr. BISSET (Chairman).

Mr. van der Riet.

Mr. Jansen.

Mr. Beyers.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter, of the firm of Messrs Coulter & Co., Parliamentary Agents), appeared on behalf of Mr. J. L. van Eyssen.

Messrs. Nicolaas Christiaan Havenga, M.L.A., and Izak Petrus van Heerden, M.L.A., were recalled and further examined by the Committee (and through the Chairman), by Advocate Davis.

During the examination of Mr. Havenga the Chairman left the room.

On the motion of Mr. Beyers,

Resolved : That Mr. van der Riet take the Chair.

The Committee deliberated and adjourned *sine die*.

Monday, 19th June, 1922.

Mr. BISSET (Chairman).

Mr. Beyers

Mr. Jansen.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter, of the firm of Messrs Coulter & Co., Parliamentary Agents), appeared on behalf of Mr. J. L. van Eyssen.

Dr. Daniel Francois Malan, M.L.A., was examined on oath, by the Committee and (through the Chairman), by Advocate Davis.

The Committee deliberated and adjourned until Thursday, at 10 a.m.

Thursday, 22nd June, 1922.

PRESENT :

Mr. BISSET (Chairman).

Mr. van der Riet

Mr. Jansen.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter, of the firm of Messrs. Coulter & Co., Parliamentary Agents), appeared on behalf of Mr. J. L. van Eyssen.

The Committee deliberated and adjourned until Monday, at 9.30 a.m.

Monday, 26th June, 1922.

PRESENT :

Mr. BISSET (Chairman).

Mr. van der Riet.

Mr. Jansen.

Mr. Beyers.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter, of the firm of Messrs. Coulter & Co., Parliamentary Agents), appeared on behalf of Mr. J. L. van Eyssen, and Advocate Davis addressed the Committee.

The Committee deliberated and adjourned until to-morrow, at 10 a.m.

Tuesday, 27th June, 1922.

PRESENT :

Mr. BISSET (Chairman).

Mr. van der Riet.

Mr. Jansen.

Mr. Beyers.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter, of the firm of Messrs. Coulter & Co., Parliamentary Agents), appeared on behalf of Mr. J. L. van Eyssen, and Advocate Davis addressed the Committee.

The Committee deliberated and adjourned until to-morrow, at 10.30 a.m.

Wednesday, 28th June, 1922.

PRESENT :

Mr. BISSET (Chairman).

Mr. van der Riet.

Mr. Jansen.

Mr. Beyers.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter, of the firm of Messrs. Coulter & Co., Parliamentary Agents), appeared on behalf of Mr. J. L. van Eyssen, and Advocate Davis addressed the Committee.

The Committee deliberated and adjourned until to-morrow, at 10 a.m.

Thursday, 29th June, 1922.

PRESENT :

Mr. BISSET (Chairman).

Mr. van der Riet.

Mr. Jansen.

Mr. Beyers.

The Committee deliberated and adjourned until to-morrow, at 10 a.m.

Friday, 30th June, 1922.

PRESENT :

Mr. BISSET (Chairman).

Mr. van der Riet.

Mr. Jansen.

Mr. Beyers.

The Chairman submitted a draft Report which was considered and adopted.

On the motion of Mr. Beyers,

Resolved : That the Chairman report accordingly

[S.C. 4—'22.]

MINUTES OF EVIDENCE.

SELECT COMMITTEE ON PETITIONS OF J. B. M. HERTZOG AND J. L. VAN EYSSSEN.

Friday, 5th May, 1922.

PRESENT :

MR. BISSET (Chairman).

Mr. van der Riet.

Mr. Mackeurtan.

Mr. Jansen.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter, of the firm of Messrs. Coulter & Co., Parliamentary Agents) appeared on behalf of Mr. J. L. van Eyssen.

Mr. Nicolaas Christiaan Havenga, M.L.A., examined on oath.

1. *Chairman.*] You are member of the House of Assembly for the electoral division of Fauresmith?—I am.

2. You desire to make a statement in regard to the matter referred to this Committee?—Yes. General Hertzog's motion in regard to the strike was introduced in the House of Assembly on the 21st February, 1922. I may say that I had not known Mr. van Eyssen prior to Saturday the 18th February. On that evening the position was discussed in the Royal Hotel. General Hertzog, Mr. Fichardt, Mr. van Eyssen, Mr. Steytler and myself were present. That discussion was more or less of a general nature. Mr. van Eyssen gave information about the position on the Rand. Then I think it was on Thursday morning the 23rd February, Mr. van Eyssen met me in the lobby of the House of Assembly, just in the front door where the visitors come in, and asked me whether I had not seen Mr. I. P. van Heerden, the member for Cradock. I told him I thought Mr. van Heerden was somewhere about in the House; and he then said he would like me to give Mr. van Heerden a sheet of one of these writing pads, which he held in his hand. He read it to me and informed me that it was a telegram which he had received from the Chamber of Mines in reply to a telegram which he had sent at the request of Mr. van Heerden to ascertain the attitude of the Chamber of Mines in regard to the motion of General Hertzog. What he

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read out to me purported to be the reply to that telegram which he had sent. It was in his own handwriting and in inverted commas and purported to be literally the reply which he received.

3. *Mr. Mackeurtan.*] You say it was in his own handwriting?—I am sure it was in his own handwriting, I know his handwriting, I have had letters that passed between us.

4. *Chairman.*] Did he hand the slip to you?—He handed the slip, which purported to be a copy of the telegram, to me to hand to Mr. van Heerden when I saw him. I could not give the exact words of the telegram, but I am quite sure of the purport of it. The wording was more or less to this effect: "While not wishing to interfere with your discretionary powers" or "discretion," I am not quite sure which word was used, "would impress on you the advisability of preserving our non-party attitude. Consider it advisable to leave the matter to all the honourable members of the House." I think that was very nearly the wording of the telegram. Mr. van Eyssen read it to me and I showed it to General Hertzog, and in the afternoon I handed it to Mr. van Heerden as requested. Then the matter was, of course, discussed in the House and the debate went on, and I think it was after certain allegations had appeared in the local press that Mr. van Eyssen came to see me. If the Committee will remember, I think there first appeared an article in *Die Burger* and then it was denied in the *Argus*; then *Die Burger* had a further article on the matter and it was in regard to that that Mr. van Eyssen came to see me and met me in the reading room, and he seemed to be upset that the matter had got to the press.

5. *Mr. Mackeurtan.*] What got to the press?—The incident about the telegram he had handed in. To continue my statement—why I refer to this meeting between us is because Mr. van Eyssen did not deny anything of this telegram. What he seemed to object against was the fact that Mr. van Heerden had published it and made use of the note, he said it was marked "private" or "confidential" and was not intended for publication. I then informed him, I remember, that the telegram was marked "private" but Mr. van Heerden had told me that he (Mr. van Eyssen) told him he could preach it from the housetops. I told Mr. van Eyssen, when he seemed to take it amiss that the thing had been published, that probably it was not the proper thing to do, but Mr. van Heerden had told me that he had said it could be published from the house-tops. Then I come to the day after the Chamber of

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Mines' denial which appeared in the *Cape Times*. The Committee will remember that the Chamber of Mines said that they had received a telegram from Mr. van Eyssen enquiring about their attitude about this motion as a result of what General Hertzog had said in the House on the Indemnity debate. They said that they had received such a telegram and that of course bore out what Mr. van Eyssen had informed me, but they absolutely denied having sent a telegram from which it could have been inferred that they were agreeable, or that there was a chance of their accepting the motion; they said they definitely stated the motion was altogether unacceptable. General Hertzog asked me to write to Mr. van Eyssen to come and see him because he was very much upset about this flat denial. I think Mr. van Eyssen came on his own, in any case my letter had not reached him, I still had it when he arrived. I believe he had been acquainted by a messenger that General Hertzog wished to see him. At that interview General Hertzog asked him whether it was a fact that he had received a telegram from the Chamber saying that his motion was altogether unacceptable—the telegram which the Chamber of Mines said they had sent according to the *Cape Times*. Mr. van Eyssen said "Yes." General Hertzog then said to him "But you did not show that telegram to me," to which he replied, "No." That was on the same morning that the statement appeared in the *Cape Times* and the meeting took place in the "Whips" room. There were present myself, Mr. van Heerden of Cradock, General Hertzog and Mr. van Eyssen. General Hertzog said "Instead of handing us that telegram you handed us something different," and to that Mr. van Eyssen again made objection that that was not intended to be used. General Hertzog was very much upset and annoyed and thought Mr. van Eyssen had not treated him properly in not handing him the telegram of the Chamber of Mines that the motion was unacceptable, and instead of that handing us another telegram. General Hertzog then left the room. I was very much surprised and wanted to know from Mr. van Eyssen whether he had handed us something different, whether such a telegram was sent. He was arguing with Mr. van Heerden. I am sure he did not deny having handed us the other telegram he complained Mr. van Heerden had made use of. I wanted to know whether that telegram had actually been sent and to that he would not give a direct answer. He did not deny having handed me a telegram, but what he did not want to reply to was whether the the telegram he handed to me and which I handed to Mr. van

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Heerden was a telegram that had actually been sent by the Chamber of Mines.

6. *Mr. van der Riet.*] He did not deny having handed a copy?—He was arguing with Mr. van Heerden because he had published it, but Mr. van Eyssen did not deny having handed it to me.

7. You say he did not deny having handed you a copy of what purported to be a telegram, his line was that it should not have been used?—Yes.

8. Then you asked him whether the original of such a telegram had been received by him?—Yes, and that he would not answer.

9. *Mr. Mackeurtan.*] Did you not take up the question of the telegram that the motion was unacceptable?—General Hertzog had got a direct reply that the telegram had been received, but that Mr. van Eyssen did not show it to him and that annoyed General Hertzog very much. It was not in dispute. Mr. van Eyssen admitted the correctness of the press report that morning which said that the telegram that the motion was unacceptable was received in reply to a telegram from him.

10. *Mr. van der Riet.*] You never got the date it was sent?—No. I only read the report that morning and as far as I remember the Chamber of Mines definitely said that they got such a telegram and sent a specific reply.

11. The reply they sent was the reply purported to be given to you?—The position General Hertzog took up was that, under the circumstances, having been shown a certain reply of the Chamber and if the other had come, it should have been disclosed to him by Mr. van Eyssen because it was a direct refusal to entertain his proposal under any circumstances. I think the telegram was strongly worded.

12. The copy you say was given to you, did that have a date?—No, I can swear to that because it was handed to me that morning a few days after the motion was introduced as the reply he had received to a telegram sent “last night” or “this morning.”

13. *Mr. Jansen.*] On what date was it handed to you?—I am almost certain it was on the 23rd.

14. *Mr. Mackeurtan.*] Did you arrange at the previous interview that Mr. van Eyssen should send a telegram to the Chamber of Mines?—General Hertzog did not take up the position that he actually wanted to know from the Chamber of Mines; I believe that cropped up with Mr. van Heerden. He wanted to know what authority Mr. van Eyssen had for

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saying that the motion was acceptable and he then sent the telegram.

15. *Chairman.*] Do you say you did ask Mr. van Eyssen whether what he purported to show you as being a telegram had come from the Chamber of Mines?—Yes; I asked that specifically but he would not reply to it.

16. When that telegram was shown to you you read it?—Yes. Mr. van Eyssen read it to me and I read it several times with General Hertzog. It had on the top “Kopie van telegram van Kamer van Mijnwezen.” (*Copy of telegram from Chamber of Mines*).

17. Where is that telegram?—I handed it to Mr. van Heerden and do not know what became of it subsequently. I think he mislaid or lost it.

18. *Mr. Davis (through the Chairman).*] At this Royal Hotel interview on Saturday night, the 18th February, when you and Mr. van Eyssen and General Hertzog and Mr. Fichardt were present, the discussion was more or less of a general nature?—Yes.

19. Mr. van Eyssen was there to give you information on any points you might want?—Yes, he wanted to have the position discussed. I do not think that Gen. Hertzog expressed the desire that Mr. van Eyssen should come and see him, I think it had been arranged in the morning that he could come round in the evening and General Hertzog asked Mr. Fichardt to come and hear what he had to say.

20. Various points were discussed, such as employment on the different mines?—Yes.

21. And the word “retrospective” in General Hertzog’s motion?—He said if the men return to work and if the Commission ultimately decided that certain terms and conditions should prevail with the men, that would be retrospective.

22. That was discussed?—Yes.

23. The other words “arbeidsveld” were discussed?—Yes.

24. And whether “naturellen” included “kleurlingen”?—Yes.

25. There were various points discussed?—Yes.

26. And that is really all that occurred that night?—Yes. I may say that Mr. van Eyssen raised the point of the thing being retrospective and General Hertzog said that should not be a difficulty because one would assume that the Select Committee would, in the first instance, fix the terms on which the men would return, and would act as reasonable men and fix the terms low so that there would not be a probability of those terms eventually proving to be higher than the Com-
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mission's terms. I think from the replies which General Hertzog gave I was under the impression that there was no real difficulty that could not be arranged as between the Chamber of Mines. For instance, the motion said that the Chamber had to take back these people and Mr. van Eyssen pointed out that many mines had been flooded, and the natives were away and they could not take back the people all at once; General Hertzog said "The motion does not mean that you must do the impossible, but you must take back the men as you are able to, but it must be *bona fide*." Mr. van Eyssen said the difficulty of the mines was that they had a lot of men who were redundant, who really did no work; that seemed to be the great difficulty of the Chamber of Mines. When this question of the "arbeids veld" was discussed General Hertzog said the motion only meant the Chamber should not substitute black men for white men and that his motion did not intend to protect redundant men for whom the Chamber had no work. That went a long way to meet the objections of the Chamber.

27. That was why you say the impression you got was that General Hertzog had to a great extent met the difficulties?—Yes.

28. That is really all that occurred—this sort of discussion—on that night?—Yes.

29. Now the next time you saw Mr. van Eyssen was on Thursday the 23rd?—I had probably seen him in between, but that was nothing of any importance.

30. The next time of importance was on Thursday morning?—Yes, it was about 11 or 12 o'clock; I think I had probably just come from the Select Committee on Railways and Harbours.

31. Tell me this. I understand you to say that any knowledge that you have as to whether a telegram was sent to the Chamber of Mines, at the request of or by agreement with Mr. van Heerden, simply comes from Mr. van Heerden?—No, from Mr. van Eyssen, he told me this when he handed me the telegram.

32. That this was the answer to a telegram he had sent at Mr. van Heerden's request?—Yes, and that is why he wanted me to convey the answer to Mr. van Heerden.

33. You are quite certain of that?—Yes.

34. You are sure that is the time when he handed you the answer?—Yes.

35. Is that the only time that you know of, or that it was discussed in your presence, whether this telegram was sent in agreement with Mr. van Heerden; the only time that Mr. van Eyssen said so?—Yes.

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36. He gave you this pad sheet, it was headed "kopie van telegram van Kamer van Mijnwezen"?—Yes, I think that was more or less the wording of the heading. I did not take notice of the other extraneous matter in the telegram. I read the contents.

37. Did you see the original telegram?—No.

38. Do you know of anybody who did see the original?—Yes, I believe there are witnesses.

39. You do not know of your own knowledge?—No.

40. Who have told you that they have seen the original telegram?—I want to be fair; I only know that from hearsay and I do not know whether these people would come and give evidence.

41. *Mr. van der Riet.*] Has any witness told you that he has seen the telegram?—No, I only heard that certain witnesses had seen it.

42. *Mr. Davis.*] Nobody told you direct that he had seen the telegram?—No, I do not think the people told me themselves.

43. Not a single person told you?—No. I heard there are two people who have seen this telegram.

44. *Mr. van der Riet.*] As far as you know of your own knowledge nobody has?—No.

45. *Mr. Davis.*] Now when the Chamber of Mines, after General Hertzog's speech of the 3rd April, denied that any such telegram was sent, you then knew at once that it became a question as to whether or not there was such a telegram?—Yes.

46. You have already told us, I think, that you had at General Hertzog's request written a letter to Mr. van Eyssen, and before it had been delivered Mr. van Eyssen had come up and the letter was handed to him personally as he came into the "Whips" room either by you or by General Hertzog?—Yes, I think that is right.

47. This is the letter. It is misdated the 6th April, it ought to be the 5th. The letter is as follows:—

Ek is versoek deur Generaal Hertzog om u te vra so goed te wees om met drager deses aan hem 'n woordelike kopie te stuur van die telegram van die Kamer van Mynwese wat u aan hem en Mnr. Petrus van Heerden, L.V. vir Cradock o.a., getoon het as deur u ontvang in antwoord op u telegram omtrent die aanname van die mosie van Generaal Hertzog.

U sal seker vanmore in die *Cape Times* opgemerk het dat die Kamer die bewering van Generaal Hertzog ontken dat daar ooit 'n dergelike telegram deur hulle gestuur is, en dit is noodsaaklik vir die Generaal om bowergenoemde telegram woordelik te kan voorlê.

[For English translation see Appendix C.]

and then it goes on further to say that other steps may have to be taken?—Yes.

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48. This meeting in the " Whips " room took place the same day as General Hertzog concluded his speech on the 3rd April, he had an unfinished speech and he went back to the House to conclude?—I do not know.

49. Are you certain of the date of your letter?—That is a mistake that might happen very easily; I do not admit the date is wrong.

50. *Mr. van der Riet.*] You are open to conviction?—Yes, of course, it is the easiest thing in the world to make a mistake in the date.

51. *Mr. Davis.*] In this letter you ask for a copy of the telegram shown?—Yes.

52. Now what actual telegram was shown?—Now that Counsel is trying to make a distinction between a telegram and the copy I must tell the Committee that all the time I spoke about the telegram, and in writing the letter, I was referring to the same thing. I did not distinguish at all and never for a moment dreamt that what Mr. van Eyssen had shown us and what purported to be a telegram could have been anything else. We were astonished when the possibility arose that the telegram had not been sent, not for a moment did we think that this question would crop up.

53. When you wrote this letter you had seen the denial of the Chamber of Mines?—Yes; that is why I wrote him the letter.

54. You have already told me that the question arose—was there such a telegram or not?—Yes.

55. Surely then you must have drawn a distinction between the telegram and a copy?—No; the question puzzled me and I wanted to get an explanation from Mr. van Eyssen. I know now that a telegram does exist in respect of what the Chamber of Mines said. I did not think that Mr. van Eyssen would have gratuitously tried to mislead me by having forged a telegram. That was the thing I wanted to get at for my own information. I did not dream that he would say that he had not handed me this document which purported to be a telegram. When I wrote the letter I considered the telegram had been sent, and I consider so now, and that is the copy which I asked him to send, which he had shown me. The telegram I had in my mind was the telegram which I had seen; that was the copy which we wanted. Before this question had arisen whether such a telegram existed I would never have spoken about a copy, I would have spoken about a telegram. Now I know that a distinction is being made; up to that time the copy and telegram were interchangeable.

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56. You mean here the copy?—Yes.

57. Now this copy of the telegram was shown to General Hertzog by you?—Which copy?

58. The copy of the telegram that you say you are referring to in the letter of the 6th April?—No; that was the copy of the telegram that Mr. van Eyssen had given to me to hand to Mr. van Heerden.

59. You showed it to General Hertzog?—Yes.

60. And then you handed it to Mr. van Heerden?—Yes.

61. Then that copy was not shown either to General Hertzog or to Mr. van Heerden by Mr. van Eyssen, it was shown by you?—Certainly.

62. Why do you say in your letter it was the copy which as a matter of fact he (Mr. van Eyssen) had shown to General Hertzog and Mr. van Heerden?—Now you are quibbling about terms. On the occasion when Mr. Louw was called in, I had been informed Mr. van Eyssen had shown a copy of the original telegram to General Hertzog and Mr. van Heerden.

63. This particular telegram you say was so shown by you and given to Mr. Petrus van Heerden by you?—Yes; but there was another occasion when I was not present.

64. One other question on this letter, you say there “shown to General Hertzog and Mr. Petrus van Heerden, amongst others”?—Yes.

65. Can you give me the names of the others?—I was one, at least.

66. Give us the names of all the members you had in mind when you wrote these two letters “o.a.”?—I was one, and Mr. Fourie also saw this telegram. I do not know whether Mr. van Eyssen actually showed it to him.

67. You cannot give any other names?—No; I do not think it is a fair question.

68. Mr. Mackeurtan.] You wrote “amongst others”?—I have given counsel the names of Mr. Fourie and myself. Mr. J. B. Wessels also saw the telegram in Mr. van Heerden’s possession. I do not say these names will exhaust the number of those who saw the telegram.

69. Mr. Davis.] Did that exhaust what was in your mind?—No; I cannot say that. I think that is sufficient to explain what I meant by “e.a.”

70. Is that the lot then?—Of course I heard subsequently of others.

71. At the time that you wrote that letter?—Yes; probably

72. Was it not rather curious to include yourself in the term “e.a.”; you mention General Hertzog and Mr. van
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Heerden, but do not mention yourself?—No ; it is not curious for the simple reason that when I wrote this letter I did not for a moment think that Mr. van Eyssen would deny this telegram or the fact he handed it to us. I merely wanted to indicate the copy of the telegram we required. This was not a plea drawn in a case where you have to allege every fact.

73. Do you not think it curious that when you wrote this letter you should mention General Hertzog and Mr. van Heerden and not yourself if you were the first person who saw it?—No.

74. *Mr. van der Riet.*] In regard to the question put you by Counsel, I see you say here that you want a “woordelike kopie” (literal copy) of the telegram of the Chamber of Mines which you have shown to Mr. Petrus van Heerden, and then you go on to say it is wanted and steps should be taken to secure it to put General Hertzog in the position to state the actual contents of the telegram?—Yes.

75. But the telegram was not shown, it was handed to Mr. van Heerden?—You are drawing a fine distinction. Mr. van Eyssen wrote asking which telegram we were referring to, the thing was published in the paper and they sufficiently indicated the telegram.

76. You are supposed to have the copy in your possession?—Mr. van Heerden told us he had not the copy any more. You must not lose sight of the fact that when I wrote that letter it was subsequent to the meeting I had with Mr. van Eyssen, when he came to see me after the telegram had been divulged in the press. He did not then deny the existence of the whole thing, he only on that occasion felt aggrieved that Mr. van Heerden had made use of the telegram.

77. *Mr. Mackeurtan.*] Was it published verbatim?—No ; not in *Die Burger*, but the contents were more or less given after the denial.

78. *Mr. van der Riet.*] When did you first hear that this document given by you to Mr. van Heerden was missing?—I think that cropped up immediately Mr. van Eyssen denied that the Chamber of Mines was prepared to accept the motion. Then *Die Burger* gave chapter and verse of the authority they had for making the statement and the telegram was published ; then Mr. van Eyssen came to see me, and he, knowing of course what had taken place, did not for a moment give me to believe that there was no such telegram.

79. *Mr. Davis.*] Did you ever at any time take a note from Mr. van Eyssen to give to Mr. van Heerden?—Only on this occasion.

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80. Tell me this, are you quite certain or reasonably certain that the conclusion of the copy was words to this effect "consider it advisable leave matter to members of the House" ?—Yes ; I am certain of that, it was rather an unusual phrase "to all the honourable members of the House" and that fixed it in my mind.

81. Mr. Mackeurtan.] Tell me again what was the wording ?—"While not wishing to interfere with your discretion" or "discretionary powers," "would impress upon you advisability" or "necessity" "of preserving our non-party attitude" "suggest" or "think it advisable to leave matter to all the honourable members of the House."

82. What was the date on which this appeared in *Die Burger* and the contradiction of the *Argus* ?—I think the 28th February and the 2nd March. I think *Die Burger* stated it more or less in general terms on the 28th February, then the *Argus* denied it and on the 2nd March *Die Burger* gave chapter and verse of the authority on which their article had been based.

83. Chairman.] Can you give us the date the matter first cropped up in *Die Burger* ?—On the 28th February and the 2nd March, and the *Times* denial will probably be on the 5th April. They brought up this thing when General Hertzog spoke again in the House on the Indemnity Bill.

84. Mr. Davis.] Here is *Die Burger* of the 28th February ?—In reply to this article on the interview the *Argus* published a denial and *Die Burger* said we cannot leave it at that and on the 2nd March they gave the whole history. In between these two dates was the denial of the *Argus*.

85. On the 27th February the *Argus* had "Nationalist Canard" ?—Yes what was the "Nationalist Canard," that was something *Die Burger* had said.

86. Chairman.] The dates that we want are *Die Burger* of the 27th and 28th February and the 2nd March and the *Argus* of the 27th February ?—Yes.

87. Mr. Davis.] *Die Burger* had articles already on the 24th and 25th ?—That may be.

88. The Chamber of Mines denial was on the same day as the interview in the "Whips" room, that was the 5th April ?—Yes, probably.

89. That is from the *Cape Times* ?—Yes, the point I wanted to make is this, between the 2nd March when *Die Burger* gave chapter and verse and more or less the contents of the telegram, and the 5th April, I am not aware of any publication by Mr. van Eyssen reverting to this thing. In the mean

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time I only know that he had come to see me about this article in *Die Burger* of the 2nd March and on that occasion he did not dispute the veracity of that statement. He did not take up the position that the telegram did not exist but he complained that Mr. van Heerden had made use of it.

90. *Mr. van der Riet.*] Your point was that from the date this was published on the 2nd March, no public denial was given as to the receipt of the telegram?—Yes. During that period he came to see me.

91. *Mr. Mackeurtan.*] His point was not that there is no such telegram but he was angry because it had been published?—Yes. He also asked me whether I remembered what took place on the Saturday night interview when the *status quo* had been discussed. I said I was under the impression that General Hertzog had met him on that point, and he said I am glad you remember this and he went away. I was very much shocked when at our interview it was a question of the existence of the telegram and the point I wanted to get from him was whether that telegram was actually sent. He did not then deny that he had shown it to me and he would not reply to my query whether such a telegram had been sent. There were only two conclusions that I could come to, either that the telegram was sent or that it was a forgery and it did not exist.

92. The position was completely altered by the statement in the *Cape Times* of the 6th April that the telegram really sent was that the motion was quite unacceptable?—Yes. Then a new situation arose subsequently at our interview when Mr. van Eyssen took up the position that the telegram was not sent. He did not want to say whether it was sent or not, whether there was such an original.

93. *Mr. van der Riet.*] In the *Cape Times* it is stated that Mr. van Eyssen's telegram was despatched on the very day that you say he handed you the copy?—Yes, I am almost certain it was on Thursday morning. On Saturday General Hertzog left; then Mr. van Eyssen must either have sent the other telegram on Wednesday or the same Thursday.

94. On the 23rd, the day of your interview, on that day they got Mr. van Eyssen's telegram?—It is not impossible.

95. *Mr. Davis.*] If they say the meeting was between 1 and 2 o'clock?—No, I know it was before lunch.

96. *Mr. Mackeurtan.*] Did you sit on a committee on Thursday?—Yes the Railway and Harbours Committee. I think the meeting was perhaps nearer 12 o'clock. I am not certain whether I came from a committee at all; it was just before I went back to lunch.

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97. *Mr. Davis.*] The copy of the telegram was in the form of a note from Mr. van Eyssen to Mr. van Heerden and marked "private"?—No not in the form of a note. I am almost certain it contained the word "private" and started "kopie telegram van Kamer van Mijnwezen." The context of the whole thing was related to me by Mr. van Eyssen personally. He said it was a telegram he received; he had sent a telegram to the Chamber of Mines at the request of Mr. van Heerden and I had to hand this over to him (Mr. van Heerden).

98. Just prior to that, do you remember the previous evening whether there had not been called across the House from the Nationalist benches stating that the Chamber of Mines was prepared to accept the motion?—That happened more than once during the debate, but when it actually happened I cannot say.

99. Do you know personally of any protest made by Mr. van Eyssen to this sort of thing?—No.

100. *Mr. Mackeurton.*] Except what appeared in the newspapers?—There might have appeared something in the newspapers, but I do not know. I must say that the Committee must not forget that by Saturday it was clear that a different position was being taken up. We are dealing with the period from the time the motion was introduced up to a certain time when the position was shifted and then enquiries were made.

101. *Mr. Davis.*] Have you seen the letter Mr. van Eyssen wrote to General Hertzog?—Yes.

102. On the 25th February?—I did not see it on the 25th. When General Hertzog left that night he handed all letters to me. I do not think I read through the whole thing or perhaps afterwards when the question was raised a month later. I handed back the letters to General Hertzog and I saw then it was the letter Mr. van Eyssen referred to.

103. You knew that there was such a letter on the 2nd March?—Yes, because then it had already come up in *Die Burger*. On the 28th February and not the 2nd March the interviews and denial started.

104. On the 2nd March when you discussed the matter the question of the letter of the 25th February cropped up between you?—No not between us, I did not say that.

105. Did you not tell Mr. van Eyssen that General Hertzog had handed you the letter?—I absolutely deny that.

106. Can you explain this how it happens, if you did not tell him, that he knows that you had got it, that you received
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this letter from General Hertzog?—I absolutely deny ever telling him.

107. On the 2nd March?—I absolutely deny it.

108. You say you saw this letter of the 25th February, this is a carbon copy?—I do not think this is a carbon copy of the letter we have, in the letter we have the spaces are not so wide. I am not making a definite statement. I took very little notice of this letter and I merely handed it back to General Hertzog and cannot tell you the contents. it does not concern me.

109. This is a carbon copy of the letter of Mr. van Eyssen to General Hertzog of the 25th February and handed by General Hertzog to you?—It is possible.

110. I have got a translation of that letter, it reads as follows:

Dear General Hertzog,

There appears to be a misunderstanding regarding our attitude in reference to your motions now before the House, and I would like to make the position clear.

(1) It is no concern of ours whether the eventual commission is appointed by way of a Select Committee or by the Government. As far as we are concerned, we shall welcome the most searching investigation in connection with everything which gave rise to the strike and the continuation thereof, because we know that we have laid all the facts before the country and Parliament, and have tried to make the position of the low grade mines and the industry as clear and exact as possible.

(2) But as has appeared from our conversations there are points in your motion which we certainly cannot accept, namely those points which are opposed to the solution suggested by us for the salvation of the low grade mines.

I trust our position is now quite clear, and if there should be any point about which you desire further information I shall, as hitherto, be only too glad and prepared to supply the same.

It is not our policy to be mixed up with matters of a Party-Political character, but to remain outside that sort of thing, because we feel that the salvation of the low grade mines concerns the whole country and your Party as much as the Government.

Your friend,

J. L. VAN EYSEN.

Can you explain this, why no information was given to the House about this letter at any time. until Mr. Webber's speech after General Hertzog had spoken on the 5th April. I think it was published on the 6th April, you saw the publication in the *Cape Times*?—Yes; I probably did. On the 5th Mr. van Eyssen brought it up at our interview.

111. He showed a copy or translation to General Hertzog?—Yes; a translation.

112. General Hertzog was inclined to deny that he had this letter?—No; he did not deny it.

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113. He admitted it at once?—Yes; he did not deny having received it.

114. Can you explain why nothing was ever said about this letter—or by *Die Burger*?—Why should *Die Burger* say anything about the letter if they do not know anything about it.

115. Why was nothing said anyway on the Nationalist side about this letter?—I think I can give you a reason, the letter was handed to General Hertzog I think during Saturday.

116. You had been out for a drive?—It was probably handed over then, I did not see him handing over the letter.

117. It was sometime on Saturday?—Yes; General Hertzog left for the north that night at 8.15 and his papers were in my possession until after this interview on the 5th April. It had never been in General Hertzog's possession since; as a matter of fact I did not know anything about the letter and when it was raised I thought it was probably the letter I have. There were other papers too and I did not take much notice of the whole business. When Mr. van Eyszen raised the point about this letter General Hertzog did not know where this letter was.

118. General Hertzog remembered at once about the letter?—Yes; Mr. van Eyszen told him about the thing and he said "yes."

119. Then he must have known its contents all along?—I suppose he did.

120. How do you explain his speech of the 3rd April?—On the 3rd April he was dealing with a certain phase, it was common cause that at a certain date the Chamber had shifted its position; he was dealing with a certain period and said that probably if Parliament had accepted the motion there was a time when the Chamber of Mines was prepared to agree. Anybody can see his speech, which I think is published; I heard it in the House. He was dealing with a certain stage of the proceedings which was unknown to the public.

121. *Mr. Jansen.*] Can you tell us when General Hertzog completed his speech on this motion in February?—He completed it the same afternoon, the 21st February.

122. This letter from Mr. van Eyszen is dated the 25th?—Yes; General Hertzog spoke again on the Indemnity debate on the 3rd April, so on the 3rd April there could have been no question about not telling the House what the Chamber's position was in regard to his motion because by that date we had the interviews put in by Mr. van Eyszen and it was well known where they qualified the thing. In that interview he takes up the same position as in his letter.

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123. When did you first see the changed attitude of Mr. van Eyssen. You say he stated that the Chamber of Mines was prepared to accept the motion, even a modified form?—I did not say he stated it; I have given evidence on the telegram. On the 3rd April everybody knew that that position General Hertzog was dealing with was a stage before the letter.

124. Mr. Davis.] You never said that Mr. van Eyssen had told you that the Chamber of Mines was prepared to accept it?—No; he never told me. I only suggest that I inferred that the motion was not altogether unacceptable and the telegram spoke for itself; the fact that it was sent in reply to a telegram definitely asking what the position was, as *Die Burger* said, not an unqualified acceptance, but surely one might expect an unqualified refusal if they did not agree.

125. You base your idea that this was virtually an acceptance by the Chamber on the fact that they say we want it left to the House?—Of course, I knew that on certain occasions General Hertzog had said he spoke to Mr. van Eyssen and he had given the impression it was acceptable, but I do not think he was prepared to make use of it at the time. Then this telegram and Mr. van Eyssen telling me that it had been sent as the result of an enquiry by him what the attitude of the Chamber of Mines would be, and when I saw the telegram in this form, I argued that one could not expect the Chamber of Mines to go further than they did because General Smuts had practically refused the whole thing in the House, and here they thought you must use your discretion. we are not on the spot, be careful you do not identify yourself with the Nationalists because the Government take up a different position and we would prefer the matter being decided by the House. I concluded if the House accepted the telegram the Chamber would be prepared to work with it. I thought it was quite a reasonable way of putting it because if they definitely said "we accept the motion" if would have identified them with one party, because General Smuts had already said we will not accept the thing.

126. Mr. Mackeurtan.] The fat would have been in the fire if they had said that?—Absolutely.

127. Mr. Davis.] It was made definitely a question of a vote of confidence in the Government?—I do not think so. It came out afterwards during the debate.

128. *Die Burger* says General Smuts made it a matter of a vote of confidence?—Taking up an altogether antagonistic attitude you can say so perhaps.

129. You must have had a shrewd suspicion if it was a

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vote of confidence and if the matter was left to the House, which way the voting would go?—Yes.

130. Then I ask you again, this telegram from the Chamber, did it not amount to this—we will not take sides in this matter we will leave it to the House knowing what the result will be?—That might have been an *arrière pensée*.

131. In his subsequent speech on the 3rd April I think General Hetzrog gave more or less the exact contents of this telegram?—I do not think he gave the exact contents, he gave it more or less, but he said “you have our fullest confidence”. I think he inferred it from the fact that they say “we leave it to your discretion.” He gave more or less a paraphrase of the telegram.

132. Did he get that paraphrase from you?—No, not at that time. When he spoke in the House I had no idea that he was going to refer to this thing. I certainly never had discussed this dispute with him before he spoke in the House.

133. Mr. van Eyssen will say that on the 2nd March no telegram was ever referred to between you and him?—He referred to *Die Burger* of the 2nd where they gave chapter and verse. There *Die Burger* gives you the telegram. I am assuming it was the 2nd March, I do not know whether he came to see me the same day it appeared. I am not sure about the date but what he came to see me about was that *Burger* interview.

134. You did not have it with you at the time—either of you?—No.

135. What he was concerned with was not the details but more the general fact stated there that the Chamber of Mines accepted the motion. That was what he was concerned about?—Yes; I do not know, it is quite possible that that is what he had in his mind. That was not a new thing, it was being discussed already on the 27th. When he came to see me on the 27th, as he probably will say, we then discussed the telegram which had been disclosed in *Die Burger*, because that was what he spoke about, about Mr. van Heerden publishing it.

136. Mr. Mackeurtan.] Did he raise the question of the letter of the 25th February at the interview you speak about?—No, not at all.

137. Mr. Davis.] What was referred to was a note from Mr. van Eyssen to Mr. van Heerden?—I do not want to quibble again. Up to the morning of the 5th April I had never distinguished in my mind between a telegram and a copy of a telegram, these terms were interchangeable.

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138. Between a copy of a telegram and a note you did not distinguish?—I had no note, I had one slip of paper.

139. Was it folded and addressed?—It might have been folded. Mr. van Eyssen read it to me before he gave it. If folded and not disclosed I would not have read it if handed to me to hand to Mr. van Heerden. He had it open and read it to me and asked me to give it to Mr. van Heerden, and I did not disclose it except to General Hertzog who was concerned.

140. You did not know Mr. van Eyssen then?—I only met him for the first time on the 18th February. I do not know what you want to suggest by a note; let me make it perfectly clear that no other document or paper was handed to me except one sheet which contained what purported to be a telegram received.

141. Did this copy of a telegram begin "Dear Mr. van Heerden"?—No it did not, I am quite sure of that.

142. It did not end "Yours faithfully" or "Your friend"?—No.

143. You have told us the meaning you attached to this telegram, did Mr. van Heerden attach the same meaning to it?—Of course I do not know; it is quite probable.

144. Do you know?—I think Mr. van Heerden was rather disappointed that the Chamber was not more explicit, because the Chamber was not quite as explicit as I understand Mr. van Eyssen had been to him.

145. Was General Hertzog satisfied?—He thought it was a fair interpretation to place on the thing, but of course it left a back door to them afterwards. General Hertzog bases his case on something stronger than this telegram.

146. Did you, when Mr. van Eyssen told you the contents of this, yourself look at the contents?—Yes I read it there in his presence, the whole of it.

147. I put this to you that on the previous evening—Wednesday—there had been interjections in the House from the Nationalist benches to the effect that the Chamber of Mines were in agreement with General Hertzog's motion; that Mr. van Eyssen handed you a note for Mr. van Heerden, addressed to Mr. van Heerden and marked "private" or "confidential," to the effect that the Chamber did not wish its name to be brought into the House, that it wished to preserve a non-party attitude, that it did not wish to interfere with the motion before the House, and so the motion was to be left to the House; that that is the only note that he ever

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gave you at any time, and that it is the only note that was at any time referred to between you at the interview of the 2nd March, and that the note itself actually started with a reference to the interjections in the House the previous night, and it did not purport to be in any way the copy of a telegram?—That is not true. May I ask this, why Counsel should not be quite certain of the contents of this note. Mr. van Eyssen is a business man and kept copies of every little note which passed in connection with this thing. I wish you not to lose sight of this, a fact of which I am absolutely certain, that on one side it had inverted commas, and it purported to be the contents of something he had received, and it was headed “kopie van Telegram,” I think in Dutch; but there was nothing about what Counsel said about a reference to interjections in the House—nothing of the kind.

148. It was written on one of these little pads?—Yes, on one sheet.

149. It was a pad exactly similar to the ordinary pads kept in the House and outside in the writing room, for visitors?—Yes. The carbon copy you have there is the same; he must have this kind of stationery.

150. It was on the ordinary ruled paper supplied to the House?—This letter of Mr. van Eyssen is the same; I am quite certain it was on this paper. (*Witness produces another letter from Mr. van Eyssen to himself to show the kind of paper used*).

151. *Chairman.*] You deny the nature of the document is such as Mr. Davis states?—Absolutely, I am quite certain on that point.

152. *Mr. Davis.*] At the meeting in this room on the 5th April, give me again exactly what you said to him. You spoke to him after General Hertzog left the room?—I cannot give the exact questions and the exact words. What I wanted to know then was whether the document he handed to me (I think I might have used the word telegram), had been actually sent by the Chamber of Mines or not, but he hedged and did not want to reply, he did not wish to say “yes” or “no.” I was not persistent when I saw that he did not want to tell and I left him with Mr. van Heerden then. That was after General Hertzog had left the room. I stayed on about 30 seconds after General Hertzog had left because I was very much interested, not for a moment dreaming that the facts I have given here about the telegram would ever be denied. I wanted to know whether what purported to be a telegram had been sent or whether he—

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153. Mr. *Mackeurton*.] Who was telling a story, the Chamber of Mines or Mr. van Eyssen?—That is what I wanted to know.

154. Mr. *Davis*.] Did you meet by accident?—No, earlier in the morning I had written that letter to him to come and see me. Up to that time the position was quite friendly. I think he and General Hertzog are very intimate friends otherwise I do not think he would be able to approach General Hertzog as he did on the question. We asked him to come and let us hear what is going on. The whole discussion did not occupy probably more than two minutes, and when General Hertzog got these replies he was so thunderstruck and taken aback that he left the room.

155. General Hertzog got very angry?—Yes, he got very angry and asked another question and then left the room.

156. What was the question?—Whether the telegram which the Chamber alleged that they had sent had been received by Mr. van Eyssen and whether he did not show that to the General, and instead of that what he showed was something else.

157. Those were three questions?—Yes.

158. In regard to the last one, take that first, what was his answer—instead of that he showed something else?—He did not deny it. He tried to explain but General Hertzog wanted an unqualified reply. During all the time I was there Mr. van Eyssen did not deny this telegram and he continued arguing with Mr. van Heerden about having published it. I did not remain, I left very soon.

159. While you were still there and General Hertzog was there, was there any question of his getting a copy?—General Hertzog asked him for a copy.

160. What was the answer?—He did not reply. He did not reply to the direct question for the copy I had asked in my letter in the morning too.

161. That was only handed him as he came into the room?—Yes, that is why General Hertzog repeated the question. I wanted to get information whether such a telegram actually existed.

162. When General Hertzog brought out this question that there was this reply that was not shown, did not Mr. van Eyssen then say “what about the letter of the 25th”?—He then brought up the letter of the 25th.

163. Then General Hertzog got angry?—Not on the letter. He got angry when Mr. van Eyssen gave a definite reply that he did not show this telegram; afterwards he said “I sent

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a letter ” and General Hertzog said “ I remember getting the letter.” The letter had nothing to do with this telegram.

164. *Mr. Mackeurtan.*] This letter says that the motion was absolutely unacceptable?—No, it says that portion of the motion which is in conflict we cannot accept.

165. *Mr. Davis.*] You did not send replies to these further letters you had from Mr. van Eyssen?—I will explain that, those are the two letters I handed in. I first got this letter dated the 5th April after our interview, after I had left and after General Hertzog had left. When I got this letter I thought surely on two occasions we had spoken about this telegram and he had never denied its existence, he knows perfectly well what telegram we refer to, and now he wants to know what telegram it was. I did not at once reply to that. Then I got a letter from him the next day dated the 6th April. In reply to that I told Mr. van Eyssen’s messenger that I would meet him (Mr. van Eyssen) at 10 o’clock the next morning. The next morning I waited here the whole morning and he did not turn up. That evening I met him at the lift and he said his messenger did not give him the message, then I said I would see him to-morrow, and the next day I waited again and he did not turn up.

166. *Mr. Mackeurtan.*] General Hertzog made it quite clear at the interview of the 5th April what telegram he was referring to?—If Mr. van Eyssen did not know then I submit he should have asked for further particulars. There was no question about it that we were referring to the telegram which appeared in *Die Burger* and which caused all the hubbub.

167. *Mr. van der Riet.*] In your letter you write about a telegram, it was a copy?—Yes.

168. You say “ which you showed to him,” that is to General Hertzog?—Yes.

169. He never showed it?—Of course, I do not give evidence on that.

170. *Chairman.*] You believe there was an occasion when General Hertzog was supposed to have seen this telegram?—Yes.

171. *Mr. van der Riet.*] Mr. Davis has been making a point that that letter does not say shown to “ you.” When Mr. van Eyssen replies to your letter he says “ so ver ek weet, het ek nog aan u, nog aan Mnr. van Heerden ooit ’n telegram getoon ” (so far as I am aware I have never shown a telegram either to you or to Mr. van Heerden)?—Yes, Mr. van Eyssen wrote that letter after the interview and he knew very well what telegram was being discussed ; that is why I did not

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feel inclined to reply when he wanted to know which telegram, because the matter was under discussion on several occasions.

172. *Mr Mackeurtan.*] Besides that he did not meet you twice when he should have?—Yes; now he tells me his messenger did not tell him I was agreeable to that appointment, and then I met him personally and arranged an appointment for the next morning.

173. *Mr. Davis.*] Where did you meet him and when?—It was the same evening he did not keep the appointment, or perhaps the next. It was just before the debate started at 8 o'clock, I was taking my wife up to the gallery and met Mr. van Eyssen. My wife was present. I do not know whether he was actually in the lift or whether he had just stepped out of it, it was on the landing where we spoke.

174. Referring to that interview in the "Whips" room on the 5th April, I want this quite clear, the question was whether he had received an answer from the Chamber of Mines that the motion was unacceptable, and Mr. van Eyssen said definitely "yes"?—Yes, and "you did not show that to me."

175. The next question "you did not show that to me" he admitted?—Yes.

176. Then he was asked "did you show something else," and he would not give an answer to that?—We took that as an admission, he might have hummed and ha-ed, but we took it as an admission.

177. When you asked for a copy of that again he would not say "yes" or "no"?—No.

178. And when you asked him subsequently by yourself as to whether such a telegram was received, he again would not answer "yes" or "no"?—No, I left there without being satisfied who was doing us down—the Chamber of Mines or Mr. van Eyssen.

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[Senator the Hon. I. W. B. de Villiers.]

Monday, 8th May, 1922.

PRESENT :

MR. BISSET (Chairman).

Mr. van der Riet.

Mr. Mackeurtan.

Mr. Jansen.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter of the firm of Messrs. Coulter & Co., Parliamentary Agents) appeared on behalf of Mr. J. L. van Eyssen.

Senator the Hon. Isaac William Brunt de Villiers examined on oath.

179. *Chairman.*] You are a member of the Senate?—Yes.

180. You wish to make a statement in regard to the matter of our enquiry?—Yes. On the 2nd March I drafted a letter for publication in *Die Burger* and if you will allow me to read that to you it will clearly explain what happened. The letter did not appear in *Die Burger*. It reads as follows :—

Wynberg, Maart 2 1922.

Met betrekking tot die twee artikels in *Die Burger* van vandag onder die hoofde "Die saak van van Eyssen" en "Geskiedenis van die van Eyssen onderhandelinge" kan ek uit eie ondervinding indirek staaf wat daar gesê word omtrent die optree van Mnr. van Eyssen.

In die agtermiddag van Dinsdag verlede week loop ek deur die "lobby" naar die Volksraadsaal. Die gang was betreklik leeg, maar ek sien iemand aleen staan bij een van die tafeltjies. Net toen ek hem wou verby gaan spreek hy my teen en sê "Die Chamber of Mines is heeltemaal tevrede met die voorstel van Generaal Hertzog," en voeg toen daarby "Ek het vir Generaal Hertzog 'n briefie geskrywe." Ek het hom nie geken nie en vra hem toen wie hy is en hy antwoord my "ek is van Eyssen en vertegenwoordig die Chamber of Mines." Ek antwoord toen "ek is bly om dit te hoor" en voeg nog daarby "al kry die werkers dit baie swaar, die myn eienaars sal daar ook nie sonder groot skade van afkom nie," hy antwoord "Ja as twee groot mense baklei kry altwee seer." Sonder verder te gesels het ek toen aangestap, en toen ek in die Volksraadsaal kom was Mnr. Boydell en later Generaal Smuts aan die woord oor die Hertzog mosie.

Ek gee al die woorde wat tussen ons gewissel is oor die saak so letterlik as ek dit herinner. Ons het ook niks meer gepraat as wat hierbo aangeduide is nie, en hy het nie enige kwalifikasie hoegenaamd toegevoeg omtrent die tevredeheid oor die voorstel van Generaal Hertzog nie. [For English translation see Appendix G.]

181. On what date did this take place?—It must have been the 21st February. I wrote this letter and put it in my office amongst my documents. You will see that at first I had stated that General Smuts was addressing the House on General Hertzog's motion when I got there that night, but it occurred to me afterwards that Mr. Boydell was still busy with his address when I got there, and I subsequently altered this in [S.C. 4-'22.]

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the letter. That is the only alteration I have made in it since the date on which it was written.

182. As far as you remember the contents of this letter are correct?—Yes.

183. Who was the man whom you met in the lobby?—Mr. van Eyssen. I must honestly say that I would not have recognised him again. I did not take such particular notice of him.

184. You are certain it was the same Mr. van Eyssen who is now present here?—If you ask me if it was this Mr. van Eyssen then I cannot give you a definite reply to that, but this I can say positively that the man who spoke to me told me he was Mr. van Eyssen, but I am not prepared to say that this gentleman present is the man who spoke to me. The man who addressed me, said “I am van Eyssen; I represent the Chamber of Mines.” I do not know any more about this matter. I did not have the letter published.

185. *Mr. Davis.*] What time was this about?—I could not say, it might have been about 4 o’clock or somewhere about there. As I told you when I came into the Volksraad Mr. BoydeU was speaking and while I was there General Smuts spoke.

186. Did it not strike you as extraordinary that an entire stranger should address you?—I did not think much about it, I did not know him, afterwards I thought probably Mr. van Eyssen knew me. I will even say it is possible that I had met him on a previous occasion but did not recognise him.

187. Mr. van Eyssen himself says he never met you at all, he did not know you personally?—I believe that is the same Mr. van Eyssen sitting there, but I am positive that the man who met me told me he was van Eyssen and represented the Chamber of Mines and also told me that he had written a letter to General Hertzog.

188. Did he tell you nothing about the contents of that letter he wrote to General Hertzog?—No, not a word, he said “Ek het vir Generaal Hertzog ’n briefie geskrywe,” (*I have written a note to General Hertzog.*)

189. He told you specifically that he agreed to the motion without any qualification?—Without any qualification.

190. Why did you not send that letter to *Die Burger*?—First of all it struck me I did not want to rush into print, then I thought I would first find out how matters are; I thought I would see Senator Marais. I saw Senator Marais, and he told me that General Hertzog had had a long interview with Mr. van Eyssen, and as General Hertzog was already away I thought I would leave the matter; they must fight it out

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between themselves. After about three or four weeks a long letter appeared from Mr. van Eyssen in the *Cape Times* in which he categorically denied certain things about this matter and I came in the next day with the intention of seeing General Hertzog about it. After seeing the Chamber of Mines' denial I thought I must show this to General Hertzog.

191. *Chairman.*] What was the date of your conversation with this gentleman who said he was Mr. van Eyssen?—The 21st February.

192. *Mr. Mackeurlan.*] What was this gentleman like?—I would not like to say what he was like. I would not have remembered him.

193. Had he a beard or moustache, or clean shaven?—As far as my memory goes he was clean shaven.

194. Was he tall or short?—I could not say. I have a very bad memory for faces and unless I have met a man more or less intimately, I might easily pass him by without noticing him.

195. Did not you see the real Mr. van Eyssen after that in the lobby?—Yes, he greeted me with a nod and I greeted him, and I met him at another place some time later.

196. It is a matter of very great importance?—I will tell you what happened afterwards. I live at Wynberg and some time after that I was going out by train. I was sitting at the door and never noticed who was in the compartment. On getting out that gentleman, Mr. van Eyssen, got out, passed me and greeted me. I took him to be another man from Bloemfontein and I said to him: "When did you come down from Bloemfontein," and he replied: "Neeek is van Eyssen." (*No, I am van Eyssen.*) After that I recognised him again in the lobby and recognised him as the man who saw me in the train and who told me his name was van Eyssen.

197. You are prepared to swear that this gentleman was the gentleman who spoke to you in the lobby and said he was van Eyssen?—No, I am not prepared to swear.

198. That this was the gentleman who got up in the lobby?—No he was standing by one of the tea-tables and I passed him.

199. Was anybody else at the tea-table?—No, as far as I could see there was nobody else about.

200. Nobody heard the conversation?—No, he was alone.

Mr. Izak Petrus van Heerden, M.L.A., examined on oath.

201. *Chairman.*] You are a member of the House of Assembly, for the division of Cradock?—Yes.

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[Mr. I. P. van Heerden, M.L.A.]

202. I understand you wish to make a statement with regard to your knowledge of the matter referred to this Committee?—Immediately after the opening of Parliament—or a day or two thereafter—Mr. van Eyssen was introduced to me by Dr. Visser in the lobby of the House and he informed me he was the duly authorised agent (*gevolmagtigde*) of the Chamber of Mines. I will not emphasise the word “*gevolmagtigde*.” He might have said “*vertegenwoordiger*” (*representative*). He informed me that he had come down in order to give us all the information possible in regard to the strike and the condition of the mines. I knew nothing about the condition of the mines and the position in regard to the strike, and it was consequently a great pleasure to come in contact with Mr. van Eyssen. I was very pleased to notice how open-heartedly he met me and spoke about the position. I met him almost every day after that and I am also well acquainted with his family. On each occasion I met him we spoke about the condition of the strike and also about the motion of General Hertzog that was before the House. From the time that General Hertzog introduced his motion, Mr. van Eyssen informed me that he accepted the motion as it stood; that he was very glad to see the motion and if it was agreed to, the strike would be finished in about two days’ time. That was very encouraging to me because judging by conversation which I had with the representatives of the strikers and with the members of the Labour Party, it appeared to me that the strikers were also willing to accept the motion. I asked Mr. van Eyssen whether I could make use of the fact that he had told me that he accepted the motion of General Hertzog, and the actual words of his reply were as follows: “Mr van Heerden, you may preach it from the house tops.” I spoke freely about it to the members of my party and particularly discussed the matter with Mr. Fourie, the member of Somerset East and asked him whether he considered this would be a final solution of all the troubles. He agreed with me. After Mr. van Eyssen had given me permission to preach the fact from the house tops, I naturally made free use of it. As, however, I had nothing which I could put before the House showing that Mr. van Eyssen was the duly authorised agent or representative of the Chamber of Mines, I went to see him again. He had impressed me so favourably that I had confidence in him and felt somewhat ashamed to approach him, but I said to him that I would be very glad to have something showing that he actually is the duly authorised agent or representative of the Chamber of Mines

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and that he accepted the motion of General Hertzog. He then promised me that he would at once send a telegram to the Chamber of Mines in order to be able to satisfy me as to his power to act on their behalf and also as to their opinion on the motion of General Hertzog. After that I did all in my power to get my name on the list of speakers on the strike debate. So far I was not successful. On a certain day I met Mr. van Eyssen and asked him if he had not yet received a telegram and he replied "Yes, I have and I have given a copy of it to Klaasie Havenga and explained it to him and asked him to hand it over to you." I then went into the House and asked Mr. Havenga for the copy of the telegram. It was written on a sheet of paper like this scribbling pad. At the top was written "Copy of telegram from Bullion to J. L. van Eyssen." I do not know what Bullion stands for. I did not keep the telegram—I tore it up and I am very sorry that I did so. The wording was more or less as follows: "Whilst not wishing in any way to discredit your discretionary powers wish to urge upon you our non-political attitude and prefer motion passed by whole House."

203. *Mr. Mackeurtou.*] You destroyed that the day after you got it?—It was not to my satisfaction. What I regarded as necessary was that the Chamber of Mines should state, as Mr. van Eyssen had stated, that they accept the motion of General Hertzog.

204. Can you remember the date you got it from Mr. Havenga?—It was about the 22nd or 23rd February, when the debate was in progress.

205. *Mr. van der Riet.*] Please give me the wording of the telegram again?—"Whilst not wishing in any way to discredit your discretionary powers wish to urge upon you our non-political attitude and prefer motion passed by whole House." It was written on a slip paper like this scribbling pad and each line was marked off by inverted commas, and it was signed at the bottom J. L. van Eyssen.

206. Are you sure about the word "van Eyssen"?—Yes, J. L. van Eyssen—I am sure it was there.

207. In whose handwriting was it?—That is difficult to say. I am not acquainted with Mr. van Eyssen's handwriting, but I believe it was in his handwriting. On the morning of the 24th, I had a conversation with the member for Colesberg, who is a good friend of mine and I mentioned to him that the Chamber of Mines accepted the motion of General Hertzog and he asked me "Where do you get that information?" I replied that Mr. van Eyssen, the agent or representative
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of the Chamber, told me that I could publish it from the house tops that he accepts the motion of General Hertzog.

208. *Chairman.*] Was this after you had seen this document, after it was handed to you?—Yes.

209. *Mr. Jansen.*] After you had destroyed it?—Yes. Mr. Louw said: "What, do they accept it?" I replied "Yes, Mr. van Eyssen the agent of the Chamber of Mines says so." Mr. Louw asked "Where is he?" I said "He is here in the House," and he went to find Mr. van Eyssen. Mr. Fourie and I were sitting together and when Mr. Louw approached we rose from our seats to meet them. I did not wish to discuss this matter publicly because we had already seen in the newspapers Mr. van Eyssen's declaration that he does not accept it.

210. Which newspapers?—In the *Argus* or the *Cape Times*.

211. Of the 24th?—Yes. When we rose and while they were approaching us, General Hertzog also appeared and I said to him: "General come and join us, I wish you to be present at this conversation with Mr. van Eyssen." When General Hertzog appeared, Mr. Louw walked away, and I said, "Well now" and Mr. van Eyssen said: "Why does Mr. Louw run off." Then I said to Mr. van Eyssen: "What did you tell me, do you accept the motion of General Hertzog?" He replied: "I do not deny that." Then Mr. Fourie said to Mr. Louw: "You are not playing the game, Mr. Louw." Then General Hertzog, Mr. Fourie, Mr. van Eyssen and I went into the writing room. Mr. van Eyssen said to General Hertzog: "There are two words in your motion that I would like you to alter." I said: "Before you put that question, let me ask you definitely, did you not tell me that I could preach it from the house tops that you accept the motion of General Hertzog?" To this he said "Yes." I said: "Well now you can discuss with General Hertzog the two words to which you object."

212. *Mr. Mackeurtan.*] What date was this?—About the 24th.

213. Is there anything further?—No, I think that is all.

214. *Mr. Davis.* Do I understand that that is all you know about it?—Yes, I think so.

215. For instance, on the 24th, do you know what went on between Mr. van Eyssen and General Hertzog?—All that I know about that, I have told the Committee.

216. You were not certain of the date, the 24th, but anyway it was before General Hertzog went off up to Bloemfontein?—Yes.

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217. You were naturally very anxious to have it out with Mr. van Eyssen in view of what you had seen in the English papers? Did you tell him definitely or not that is what you wanted a straight answer to?—Yes. Do you mean on the 24th?

218. Because as you see he had already given interviews according to the English newspapers of the fact that it was not so?—Yes.

219. Would you be surprised to hear that the first time there was anything of this kind told in any English newspaper or in any other paper, was on the 27th in the *Argus*?—I would not be surprised, as I say I do not remember the dates very well.

220. It may have been after the 27th?—Yes.

221. You say General Hertzog had left on the 25th?—Yes; but I remember that the particular interview we had with Mr. van Eyssen was about the 24th, prior to the departure of General Hertzog.

222. But it was after the denial in the English papers?—That I am not so sure about, but from the very moment that Mr. van Eyssen told me, I made free use of the information.

223. You told me quite definitely twice that why you wanted it straight out with Mr. van Eyssen was because you had seen in the English papers that he was denying it?—On the 24th, yes.

224. *Mr. Mackeurtan.*] There was no such denial until the 27th?—There is no doubt from the very first moment I met him he told me he had accepted the motion.

225. What you say only took place after the denial in the paper, yet you say it took place before General Hertzog left, he left on the 25th and the denial was on the 27th?—This conversation with Mr. van Eyssen must have happened before General Hertzog left, that was on the 24th.

226. It happened before the denial in the papers then?—It is only a matter of dates.

227. *Mr. van der Riet.*] It is a matter of your having given a reason for a conversation which could not have existed at that date?—Yes.

228. *Mr. Mackeurtan.*] Did you have any other conversation of that nature later on with Mr. van Eyssen and General Hertzog or did you only meet him once?—No; I met him on a subsequent occasion with General Hertzog.

229. That had nothing to do with this?—It has to do with this, that is when there was an absolute denial of the telegram. I do not remember all the dates of the conversations with

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Mr. van Eyssen. When there was that absolute denial from the Chamber that they ever sent a telegram of that nature, Mr. van Eyssen was asked to interview us.

230. When Mr. Louw was with you on the 24th. you say you asked Mr. van Eyssen if he admitted what he told you?—Yes.

231. He denied it?—When we went to the table, Mr. van Eyssen said to General Hertzog: "There are two words I want to discuss with you," I interrupted and said "Before you discuss these words, I want to ask you deliberately did you not say to me that you accept the motion of General Hertzog and made no reservation" and he replied "Yes."

232. On any previous occasion did he deny that he accepted the motion?—Never.

233. What did Mr. Louw tell you?—He told me "Here is Mr. van Eyssen. He denies that he accepts this motion."

234. That is when Mr. Fourie said: "You are not playing the game"?—That is when Mr. Louw ran away.

235. He said in the presence of Mr. van Eyssen that van Eyssen denied it?—Yes. I then asked immediately Mr. Louw left, "Mr. van Eyssen do you deny?" and he said "No, I do not."

236. Did that take place before the meeting with General Hertzog?—Yes.

237. Are you sure it was the denial of the newspapers in your mind when you met Mr. van Eyssen with General Hertzog?—No, I am not so sure of the dates.

238. *Mr. Jansen.*] Mr. Louw came and asked you what you were going to do in this matter?—Yes.

239. Then you referred to what Mr. van Eyssen had said that you can tell it from the house tops that the Chamber of Mines accept this motion?—Yes.

240. What did Mr. Louw say then?—There was no conversation with Mr. Louw except I told him that morning, before he went for Mr. van Eyssen, that I had authority to preach it from the house tops. Mr. Louw then went to fetch Mr. van Eyssen and brought him to say the actual words to me that Mr. Louw said to me, that Mr. van Eyssen said he denies it.

241. Before that could be fixed up Mr. Louw had left?—I wanted Mr. Louw to hear what Mr. van Eyssen replied and immediately Mr. Louw turned away I said: "Do you deny what you told me, to preach it from the house tops," and he said "No."

242. After you had been told by Mr. Louw that Mr. van

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Eyssen denied it you wanted Mr. Louw to hear what Mr. van Eyssen said?—Yes.

243. And Mr. Louw ran away?—Yes.

244. Was it after that that you spoke to Mr. van Eyssen about the two words in General Hertzog's motion in the presence of General Hertzog?—Yes, about ten minutes afterwards. That is the interview I referred to when General Hertzog was present.

245. You told us while Mr. Louw went to Mr. van Eyssen you went to General Hertzog?—No I did not tell you that. I told you that Mr. Fourie and I were sitting at the coffee table when Mr. Louw went to fetch Mr. van Eyssen. When he came up with Mr. van Eyssen, Mr. Fourie and I got up from the table and as we got up General Hertzog came along past us up the lobby, and I said: "General will you please come here to hear what is happening."

246. Then General Hertzog was there with you when Mr. Louw said "Mr. van Eyssen denies it"?—Yes.

247. So that Mr. Louw came there and remained till General Hertzog came?—About for one minute, just in coming up he said those words.

248. Did the whole conversation take place at that table?—No, away from the table in the lobby.

249. You did not go to General Hertzog's room?—No. Mr. Louw went straight off.

250. Did Mr. Louw arrive before General Hertzog came up?—No, just about the same time.

251. Did he come to you actually after General Hertzog had arrived?—Yes, they arrived about the same time, the three of them. As they came up Mr. Louw made use of these words. General Hertzog heard it. When General Hertzog asked what it is, what we want, Mr. Louw left.

252. Did you go to General Hertzog's room at all?—No, we went to the writing room.

253. Which writing room?—There is only one writing room I know of. We wanted to go into Mr. Wilcocks' "Whip" room, but it was occupied.

254. When did Mr. Louw leave?—Before we went away, in the lobby.

255. Where was the question of the two words, was it in the writing room?—We came into the writing room and before we sat down he said there are two words.

256. Mr. Louw left in the big lobby, he did not go to the writing room?—Yes.

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257. *Mr. Davis.*] I understand that in the writing room when Mr. van Eyssen wanted to raise other points you wanted an explicit answer. Did he or did he not tell you?—Yes.

258. Mr. Louw had left you immediately, in the lobby?—Yes.

259. Did I not understand that you had said that immediately Mr. Louw had said that Mr. van Eyssen is denying having told you this, as Mr. Louw was walking away you there and then asked him?—Yes I there and then asked him.

260. And what answer did he give?—"No, I do not deny it."

261. You have put that on two entirely different occasions?—Yes, it was done on two entirely different occasions.

262. It was done in the lobby and then it was repeated in the writing room?—Yes, we went into the writing room and when Mr. van Eyssen said he wanted to discuss these two words I interrupted and said "Before you discuss these two words I deliberately ask you did you not say I could preach if from the house-tops and you made no reservations," and he said "I admit that."

263. But you said you had got it in the lobby?—I wanted a deliberate declaration again before he discussed the words with General Hertzog.

264. You had it one minute before?—Yes, and I had it again.

265. *Chairman.*] Did Mr. Fourie come into the writing room with you and General Hertzog and Mr. van Eyssen?—Yes.

266. *Mr. Davis.*] Mr. Louw would have heard Mr. van Eyssen's answer to you?—He might have because he walked away rather briskly, or as we say in Dutch: "hij het weg gehol."

267. Do I understand you say you do not know who "Bullion" is?—No.

268. You had no idea?—No, but I asked Mr. Havenga and he said that is the telegraphic address for the Chamber of Mines.

269. When you told the Committee you do not know you meant you did not know?—Yes.

270. You asked Mr. Havenga?—Yes.

271. You drew his attention particularly to this heading "Bullion"?—Yes.

272. And the telegram was signed in full or initialled?—It was J. L. van Eyssen.

273. The outside was addressed to you and marked "Confidential"?—I never looked at the outside—it was handed to

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me open by Mr. Havenga. He had it in between some papers when I asked him for it; he had it in a book.

274. What did you then do?—I used it very freely.

275. Where did you put it, in your pocket?—Yes.

276. You would fold it naturally?—Yes.

277. You pulled it out constantly to use it?—Yes.

278. You never saw the outside?—I will not say there was no address on it, it might have been addressed to me but I do not remember having seen it. I will not deliberately say that I never saw it.

279. Did not Mr. van Eyssen at a subsequent occasion tackle you on the subject of having generally shown round a confidential note, and you said “Well, true it was marked confidential, but you told me yourself that I could proclaim its contents from the house-tops”?—I do not remember that it was marked confidential.

280. Do you not remember having had a discussion with Mr. van Eyssen?—Yes, afterwards when the denials were made in the newspapers, General Hertzog sought an interview with Mr. van Eyssen at which I was present and at that interview I was attacked by Mr. van Eyssen for having made use of it.

281. And also on an earlier occasion, early in March, but you said “I did not know there was any harm in it; you yourself told me I could proclaim it from the house-tops”?—On no other occasion did he speak about it being confidential or tell me it was confidential.

282. Do I understand from the first moment practically Mr. van Eyssen told you that he accepted the motion as it stood?—Yes.

283. And he told you further that “hij baie blij was oor die mosie” (*he was very pleased about the motion*)?—Yes.

284. And that if the motion went through the strike would be over in two days?—Yes.

285. So that from the very start he accepted it without qualification, on the contrary he welcomed it?—Yes, he said he was very glad about the motion.

286. The whole of it?—Yes, there was no discussion about any portion of it.

287. Did you not discuss the motion in portions with him?—Never on any occasion, except when he spoke to General Hertzog about those two words, and then the conversation was entirely between him and General Hertzog, that was after I was satisfied with his answer that he admitted he told me.

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288. When was it that he promised you to telegraph to the Chamber of Mines?—I think it was about the 22nd or 23rd February, I am not sure about the dates.

289. Did you see him send the telegram?—No he went into one of the rooms there and wrote a telegram. I did not see it.

290. The telegram was to ascertain two things?—Yes.

291. One was his authority?—His discretionary powers.

292. And the second the attitude of the Chamber of Mines?—Whether the Chamber of Mines accepted General Hertzog's motion.

293. You say that you received this copy of a telegram?—Yes.

294. And you told us its contents. Now that answer was quite satisfactory from the point of view of the answer to the first question whether he had full authority?—Yes.

295. Was it quite satisfactory in regard to the second question?—No, not to my mind.

296. Did you at once consider that as being satisfactory?—Yes, as far as Mr. van Eyssen's statement was concerned, as I told you in my evidence, but it did not satisfy me to the extent that I wanted it. What I really wanted was a telegram from the Chamber of Mines to show that they accepted the motion the same as Mr. van Eyssen did.

297. When he told you of this answer did you tell him that you were not satisfied?—No.

298. Why not?—I had Mr. van Eyssen's statement on so many occasions, I was quite satisfied with that. What I was particularly anxious to have was his discretionary power, whether he had the power to act on behalf of the Chamber of Mines.

299. Can you tell me, if the telegram was of this double-barrelled nature that he was to send to the Chamber of Mines, how is it that right through *Die Burger* it only says that the telegram was to find out if the Chamber accepted the motion, and nothing whatever about finding out the extent of Mr. van Eyssen's authority?—I cannot explain the difference. This I know, those were the two questions deliberately put by me to Mr. van Eyssen.

300. You have told that to General Hertzog on many occasions?—Yes, I told General Hertzog on many occasions that Mr. van Eyssen accepts the motion as it stands.

301. You also told General Hertzog that the telegram which was to be sent by arrangement with you and Mr. van

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Eyssen was of this nature to find out these two points?—I did not discuss that with General Hertzog at all.

302. If General Hertzog did not get his information about that telegram from you where did he get it from?—Perhaps from Mr. Havenga because this copy of telegram was handed to Mr. Havenga before I saw it.

303. I am asking about the telegram that was sent?—I know nothing about the telegram that was sent. Mr. van Eyssen promised he would send a telegram.

304. To clear up these two points?—Yes.

305. General Hertzog got what that was to contain from you?—No, that I do not know.

306. When did you become satisfied? You say when you saw this answer you were not quite satisfied?—I was quite satisfied with Mr. van Eyssen's straightforward statement that he deliberately accepted General Hertzog's motion and I could preach it from the house tops. I continued to be satisfied until I saw the denials, what date that was I cannot tell.

307. Now you give a lot of information to *Die Burger* on the 2nd March?—I do not remember the date.

308. It appeared on the 2nd March, you must have given it on the 1st?—That might be.

309. The leading article states “Die uiteensetting van die geval van Eyssen, wat ons dank aan die inlichtings van Mnr. I. P. van Heerden, Volksraadlid vir Cradock” (*The account of the van Eyssen affair, which is due to the information given by Mr. I. P. van Heerden, member of the House of Assembly for Cradock*), they got their information from you?—Yes.

310. First of all let me ask you this, you were introduced to Mr. van Eyssen by Dr. Visser?—Yes.

311. He had already met General Hertzog before that?—I do not know.

312. How came you to make this charge against Mr. van Eyssen “Mnr. van Eyssen het van die omstandigheid, dat sij vader goed bekend was met die lid vir Cradock, gebruik gemaak om Mnr. van Heerden hom aan die Volksraadslede te laat voorstel” (*Mr. van Eyssen took advantage of the fact that his father was well acquainted with the member for Cradock to get Mr. van Heerden to introduce him to members of the House of Assembly*), is that a fair charge?—Yes. Mr. van Eyssen's parents lived in Graaff-Reinet and I knew them very
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well and my father knew them very well, and that is why he said he was very pleased to meet me because he knew that I knew his parents and his parents knew mine.

313. You then told *Die Burger* "As gevolmagtigde van die Kamer het hij op Dinsdag, 21 Februarie aan verskillende Volksraadslede verklaar dat die Kamer van Mijnwese die voorstel van Generaal Hertzog aanvaar"? (*As authorized agent of the Chamber he declared to several members of the House of Assembly on Tuesday, the 21st February, that the Chamber of Mines accepted the motion of General Hertzog.*)—Yes.

314. "Hij het nie een beperking gemaak nie, en het Mnr. van Heerden gemagtig om dit van die dak van die Huis te verkondig"? (*He did not make a qualification and authorized Mr. van Heerden to publish this from the roof of the House.*)—Yes.

315. It was not from the House of Parliament?—He might have meant the House of Parliament.

316. "So seker was hij van sij saak, dat hij self voorgestel het om die Kamer bevestiging van sij verklaring te vra"? (*So certain was he of his case that he himself proposed to ask the Chamber for a confirmation of his statement.*)—Yes.

317. You told us you had come to him and said you did not like to ask him the question whether he could give you something to show what was his authority, it that quite consistent with "so seker was hij van sij saak dat hij self voorgestel het"? (*So certain was he of his case that he himself proposed.*)—Yes when I asked him what he had to show he then volunteered to wire.

318. General Smuts had spoken and made it a Cabinet question?—Yes.

319. Then the telegram was sent to the Chamber of Mines?—I do not know if it was sent, Mr. van Eyssen went into the little side room.

320. Then came back the answer?—I do not know.

321. You saw the copy or what was represented to be a copy?—Yes.

322. And that you state to *Die Burger* as early as the 1st March, "Dus is 'n telegram gestuur wat 'n meesterstuk van diplomatieke dubbelsinnigheid mag genoem word"? (*Thus a telegram has been sent which may be called a masterpiece of diplomatic ambiguity?*)—That is an opinion expressed by the Editor of *Die Burger*.

323. Is that not an expression of opinion of yours?—I cannot say.

324. Was that an expression of opinion of yours?—No.

325. You thought it was something quite different?—I

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expected something quite different. I expected them to confirm what Mr. van Eyssen said to me and that would have satisfied me.

326. It was something quite different to what you expected, something quite different from an unreserved acceptance of the motion?—Yes.

327. Did you not tackle Mr. van Eyssen?—No, I only said that it was not satisfactory.

328. And that is all?—Yes.

329. And did not the other people tackle him?—Not that I know of.

330. Let me read to you the end of this interview “Later het meer as een van die Volksraadlede wat teenwoordig was bij die verklaring van Mr. van Eyssen dat die Kamer die mosie van Generaal Hertzog aanvaar, sonder meer, sonder enige beperking soos ons al gesê het, die gevolmagtigde van die Kamer op die verskil gewijs, maar hij het bij sij verklaring geblij dat die Kamer die mosie aanvaar”? (*Afterwards more than one of the members of the House of Assembly, who were present when Mr. van Eyssen said that the Chamber accepted the motion of General Hertzog, as it stood, and without any limitation as we have previously said, pointed out to the authorized agent of the Chamber the difference, but he maintained that the Chamber accepted the motion.*) How can you say he was not tackled to your knowledge by other people?—Not in my presence.

331. How did you come to tell *Die Burger* that?—In my presence Mr. van Eyssen never denied or departed from his declaration that he accepted the motion of General Hertzog.

332. My question is this, you told *Die Burger* that on a number of occasions Mr. van Eyssen was tackled as to the difference between his telegram and his statement?—This is an article written by *Die Burger* on information from me with observations added by the Editor; the whole thing is not a statement by me. On no single occasion did Mr. van Eyssen alter his position that I could make use of his statement.

333. My question was on what occasion was he tackled as to the difference between the two and had it pointed out to him that the two things were not consistent. You cannot say?—No. I asked Mr. van Eyssen several times for his authority for me to make use of it in the House, but the telegram I got was not satisfactory. I wanted the Chamber of Mines to confirm what he stated to me.

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334. I put it to you there were two points and I said the answer was quite satisfactory on the point of authority and you said yes?—Yes.

335. I said not quite satisfactory on the second point and you said no?—No.

336. Did you tell Mr. van Eyssen?—Not on the first occasion but I had several interviews with him.

337. Seeing that you were not altogether satisfied and that you thought the Chamber of Mines was rather trying to shift their ground lately?—I did not think so.

338. It never struck you?—No, I was too confident in Mr. van Eyssen's deliberate statement.

339. When you went to Mr. van Eyssen you said that you wanted something that you could show people to show that he had got authority?—Yes.

340. Why if you wanted something to show people did you tear up this note?—Because I was not quite satisfied; it did not give me the answer I expected. The discretionary power was there and we had quite sufficient information that he had that discretionary power.

341. Because you were not satisfied you tore it up?—I thought it was of no material good to me.

342. You made the freest use of it?—Yes the fullest use; I made free use of it.

343. You were not satisfied with it?—Yes, but I made full use of it.

344. *Mr. Mackeurtan.*] For what purpose?—That Mr. van Eyssen had discretionary power by the Chamber of Mines or from "Bullion." I concluded from that telegram that he had discretionary power.

345. It is difficult to understand why in these circumstances you tore it up?—Yes, I am sorry I tore it up.

346. *Mr. Davis.*] You only saw a copy?—That is all I had.

347. You told us you only saw a copy, who saw the original telegram from the Chamber of Mines?—How do I know, that is all I saw.

348. Who saw the original, do you know?—No.

349. You know nobody who saw the original?—No.

350. I ask you what you meant in the House, on Wednesday the 12th April when this occurred you said "you saw a copy of the telegram that Mr. van Eyssen had the authority of the Chamber of Mines." and then "you only saw the copy and not the original"?—Yes.

351. "De heer van Eyssen heeft het oorspronkelijke aan verschillende personen gewezen"? (*Mr. van Eyssen showed*

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the original to several persons)?—Yes.

352. Who were the people who saw the original?—Mr. Steynmeyer told me that he saw the original, and I think Mr. Rompel also, but I am not certain.

353. Mr. Mackeurtan.] Why did you say you did not know of anybody who did see it?—It is only what I heard. I do not know that they saw the original except that they told me so.

354. Chairman.] Who is Mr. Rompel?—He is the Editor of *Die Burger*.

355. Mr. Davis.] Nobody else?—That is all.

356. When you said “verskillende persone” (several persons) you meant two?—Yes “verskillend” covers that.

357. Do you know whether they are going to be called as witnesses?—No, I do not know.

358. I put it to you that what you had and all you did see was not a copy of a telegram at all but a note from Mr. van Eyssen?—No.

359. About some interjections that had taken place in the House?—No.

360. Did you never have a note about interjections?—No, no note at all, all I had from Mr. van Eyssen is what I have on several occasions told you. On the top it was marked “Copy of telegram from Bullion” and signed below.

361. You gave *Die Burger* what you said was the contents of that telegram from memory?—Yes.

362. You say you never got any note from him other than this?—No.

363. There were certain interjections in the House made from time to time prior to this from your side of the House that the Chamber of Mines will agree?—Yes.

364. Was not there objection taken to that by Mr. van Eyssen?—Not to my knowledge.

365. Till when did Mr. van Eyssen go on assuring you that he had no objection to the motion, that he welcomed it?—That is very difficult to say.

366. Give me some idea?—All along. He never at any time told me that he did not stand firmly to this telegram and his statement.

367. Never at any time?—Except that afterwards when we sought an interview he tackled me with having made use of it.

368. Mr. Mackeurtan.] The attack was only on the ground that you had given away the contents of the document?—Yes.

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369. Did he in April deny that he supported the motion?—He gave a sort of explanation to General Hertzog that the telegram of the Chamber of Mines was received only afterwards—the telegram that they could not accept the motion, but the whole conversation turned upon me because Mr. van Eyssen was very cross.

370. Mr. Davis.] And so was General Hertzog?—Yes, so was I, we were all very cross. When I taxed Mr. van Eyssen he said that I was not the leader of the party. I said “well you gave me the right to use that statement.”

371. As far as you know has Mr. Fichardt seen this original or the copy?—No, I do not know.

372. Do you know of any South African Party people who have seen it?—No, I do not.

373. What time did this “Louw” interview take place?—I think during the morning of the 24th.

374. Can you fix it a little nearer than that, was it mid-day?—Yes, towards midday, I should say between 11 and 12 o’clock.

375. Can you explain this. It seems to be badly reported. It appeared in *Ons Land* of the 13th April, in a report of your speech you said this “Dat de heer Louw de heer van Eyssen bij spreker heeft gebracht en gezegd dat hij (de heer van Eyssen) ontkend had, dat de Kamer van Mynwezen het voorstel van Generaal Hertzog had goedgekeurd. Toen spreker echter de heer van Eyssen vroeg, of zulks het geval was, was de heer Louw weggelopen. De Minister van Mynwezen: Wanneer was dat? De heer van Heerden: Op 27 Maart.” (that Mr. Louw brought Mr. van Eyssen to speaker and said that he (Mr. van Eyssen) denied that the Chamber of Mines approved of the motion of General Hertzog. When speaker, however, asked Mr. van Eyssen if such was the case, Mr. Louw went away. The Minister of Mines: When was that? Mr. van Heerden: On 27th March) That is clearly wrong?—Yes.

376. You must have meant February. I see the Minister of Mines interjected and said “Doch de heer van Eyssen heeft reeds op 25 Maart zijn brief geschreven.” (But Mr. van Eyssen had already written his letter on the 25th March). Then you express your opinion about Mr. van Eyssen?—Yes.

377. Must it not be that you told the House this meeting was on the 27th February, because the Minister interjected pointing out to you that on that date Mr. van Eyssen had already written his letter to General Hertzog?—No.

378. Was not there such an interjection made by the Minister?—I do not remember this interjection.

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379. *Mr. Jansen.*] If you said in your speech the 27th February, would that be correct?—No, it would not be correct.

380. *Mr. van der Riet.*] Are you sure that General Hertzog left on the 25th February?—I know nothing of the leaving of General Hertzog.

381. *Mr. Davis.*] At the time of these interviews you had already destroyed the note?—Yes.

382. You told us that this interview took place about midday on the 24th?—Yes.

383. You told us you kept the note for about one or two days?—Yes, I do not know how long I kept it, I might have kept it for a day.

384. You showed it freely?—Yes, I showed it freely in the House.

385. After Mr. Louw had left was any copy of a telegram produced then?—No. I destroyed it prior to that because if I had the copy of the telegram I would have shown it to Mr. Louw.

386. As showing what?—As showing Mr. van Eyssen's discretionary power.

387. Not showing his acceptance of the motion?—No, that was on the declaration of himself.

388. You would then and there, because Mr. Louw had said that he denied having accepted the motion have confronted him with this telegram?—Yes.

389. He never denied his discretionary power?—As long as I was satisfied that Mr. Louw also knew that Mr. van Eyssen had this discretionary power I would have got this statement from Mr. van Eyssen if Mr. Louw had remained. Mr. Louw would have heard the statement that he accepted this motion.

390. Mr. Louw never denied Mr. van Eyssen's discretionary power?—Probably nobody would deny it, although he may be perfectly honest there was nothing to show it.

391. When that telegram was sent by Mr. van Eyssen was he in the room alone?—That I cannot say, I did not go in with him.

392. Was General Hertzog there?—No.

393. None of your party?—I do not know of anybody being there. It was long before I consulted General Hertzog.

394. This point seems to be of some importance. Did Mr. van Eyssen definitely right through accept the motion, welcome the motion, or was it merely that he said if it was passed by the House the Chamber of Mines would have to submit to it?—No, Mr. van Eyssen will admit that he on several occasions told me that he accepted it, he welcomed it.

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395. It is denied, and what is more, it is in conflict with General Hertzog's petition which says this "de heer van Eyssen. met het doel zoals door hem voorgegeven, om edele leden van dit Huis te overtuigen van de bereidwilligheid van de Kamer van Mijnwezen om zich te onderwerpen aan de termen van genoemde motie indien door dit Edelaachtbare Huis aangenomen" (*Mr. van Eyssen, in order, so he made it appear, to convince honourable members of this House of the readiness of the Chamber of Mines to submit to the terms of the said motion, if adopted by this House*). you will agree that is very different. He went very much further with you?—Yes, there was no discussion at all on the acceptance of the motion by the House. Mr. van Eyssen accepted it, he said "Ek is blij oor die mosie. ek neem dit aan". (*I am pleased about the motion, I accept it*).

396. Can you give me some idea, how long after the time you say Mr. van Eyssen went into the room presumably for the purpose of sending the telegram were you shown this copy?—The following day or perhaps the same afternoon. It came very soon.

397. What time about was it when he went to send off this telegram?—I think it was in the morning, I am not sure of the dates.

398. Are you reasonably certain?—I say I think.

399. Are you reasonably certain it was in the morning?—Yes.

400. I think Mr. Havenga said he gave it to you in the afternoon?—Yes, it was quite likely the same afternoon.

401. If he is right in saying that he gave it to you in the afternoon it would be the same afternoon?—It might have been the same afternoon, but I am not quite sure; or if Mr. van Eyssen sent the telegram the previous day and I received it the following day, but I think it is quite likely it was the same day.

402. What Mr. van Eyssen will say about this roof of the house is this, that he told you that it was completely immaterial to the Chamber of Mines whether this Commission was appointed by the Government or whether it consisted of a Select Committee?—No, that is not so.

403. And that is what he had no objection to proclaim from the roof of the House?—No, he made no reservation to the motion.

404. You will agree that paragraph (c) of General Hertzog's motion in regard to the appointment of this Commission of Enquiry was a very important one?—Perhaps it was, whether it was Parliamentary or Judicial.

405. General Smuts had made a great point that this was showing lack of confidence in the Government to suggest

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that the Government was not competent to appoint a Commission, and so on?—Yes.

406. That is the point where Mr. van Eyssen said they were not prepared to take any sides, they had no objection whether the Government view prevailed or General Hertzog's view prevailed in the appointment of the Commission?—No, that was not his trouble with General Hertzog. His trouble was over this agreement; those were the only words he discussed with General Hertzog when I was present.

407. There was no one part of the motion he accepted any more than the other, he accepted the whole thing?—Yes.

408. *Chairman.*] What were the words he discussed?—The words "or agreement"—"of overeenkomst" which occur in the motion of General Hertzog.

409. *Mr. Davis.*] Was that the only point that was discussed?—That is all I know of that he discussed; that was on the day of the "Louw" interview.

410. You were never present when an actual telegram or copy was shown to General Hertzog by Mr. van Eyssen?—No, I do not even know if General Hertzog was shown such a telegram by Mr. van Eyssen.

411. After this article appeared on the 2nd March did you have any interview with Mr. van Eyssen about it?—No, I did not. We did discuss it at a subsequent meeting with General Hertzog on the 5th April. I think that was the date.

412. That was the same day as General Hertzog continued his interrupted speech?—Yes.

413. When did you first have a talk with General Hertzog about the subject of Mr. van Eyssen and his acceptance?—During the debate, I cannot tell you when.

414. Not prior to the debate?—That might even have been. During the debate I was very keen on being able to say something, to make the statement van Eyssen allowed me to make.

415. He had actually told you before the debate ever started that he accepted it. It was after the motion had been tabled but before it was actually introduced?—Yes.

416. The motion was introduced on Tuesday the 21st February?—Was there not notice given at an earlier date? I met Mr. van Eyssen just the day after, I think the 18th.

417. Between the 18th and the 21st you had spoken to him?—Yes.

418. All through he accepted the thing wholeheartedly?—Yes.

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419. It had been shouted across the House the previous afternoon that the Chamber of Mines accepted General Hertzog's motion and Mr. van Eyssen sent you a note asking you to stop anything of that kind?—No, not to me; I never received it.

420. Saying that it was not a desirable thing for the Chamber of Mines' name to be mentioned in the House as they wished to preserve a strictly non-party attitude in regard to the motion and that the motion may be left to the members of the House, or to the decision of the House. And it was addressed to Mr. van Heerden and marked "Confidential."?—I never received such a note and never even saw it.

421. What you saw was only on one sheet of paper?—Yes, one sheet like this scribbling-pad.

422. *Mr. van der Riet.*] What day did you come up to Cape Town? Parliament opened on Friday the 17th?—I arrived here on the Wednesday evening previous.

423. I understood you to say that you saw Mr. van Eyssen for the first time on the 21st?—No, I saw him immediately after the opening of Parliament; it must have been about the 18th.

424. He then at once told you that the Chamber of Mines was prepared to accept General Hertzog's motion?—Immediately the motion was introduced.

425. It had been introduced previously?—It was introduced about the 17th or 18th; it was tabled about then.

426. Had he previously told General Hertzog that?—That I do not know.

427. Did you mention this to General Hertzog?—Not immediately, No.

428. Then you say at a later date, on the 23rd, I take it you saw Mr. van Eyssen about his authority?—Yes, about the 22nd or the 23rd, I am not sure which. I saw him almost every day from the opening of Parliament.

429. As the result of a conversation he would go and send a telegram?—He volunteered to send a telegram.

430. That was simply to get proof of his authority?—Yes, Mr. van Eyssen then said he would show me his discretionary power, and the opinion of the Chamber.

431. That was your intention?—Yes.

432. He volunteered he would prove that the Chamber of Mines agreed with his attitude?—Yes.

433. Then on the afternoon of the 23rd you had this document handed to you by Mr. Havenga?—Yes.

434. And that document you say you destroyed the next

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day?—Yes, it is impossible to say exactly the date—I kept it for a time.

435. You must have destroyed it then because you had destroyed it when you saw Mr. Louw?—Yes, I destroyed it before I saw Mr. Louw.

436. That was on the 24th?—Yes.

437. You never saw any original copy of the telegram?—No.

438. As far as you know General Hertzog saw none?—I do not know.

439. What has been such a cause of confusion? Have you looked at General Hertzog's petition? In the fourth paragraph he says he was shown in this building and in the presence of other honourable members a telegram or what pretended to be a telegram. That was on Friday, the 24th. That could not have been the copy you had?—No, I do not think so, because if I had the copy I would have shown it to Mr. Louw.

440. Was it in the morning or the afternoon you had the conversation with Mr. Louw?—In the morning.

441. On the afternoon of the 24th February, that is after you had destroyed your copy, General Hertzog alleges in his petition that he was shown a telegram, that is the original, in the presence of other honourable members. Do you know what that means?—No.

442. That cannot be your copy?—That copy might have been shown in the House.

443. The allegation is on the afternoon of the 24th or 23rd Mr. van Eyssen showed him, in the presence of two other honourable members, a telegram that could not have been your copy?—No. Let me explain: Mr. Havenga had this slip of paper before I got it, this copy of the telegram, and what use he made of it in the House, and what use was made of it by Mr. van Eyssen before handing it to Mr. Havenga I do not know. When I spoke to Mr. van Eyssen he said he handed a copy of the telegram to Mr. Havenga and explained the matter to him.

444. The petition states that either on Friday afternoon or Thursday afternoon Mr. van Eyssen showed General Hertzog, in the presence of two other honourable members, a telegram or what was pretended to be a telegram, which he alleged he had received from the Chamber of Mines in reply to a telegram sent by him to the Chamber asking whether they were prepared to accept the motion before the House. Cannot it be the document after it got in your possession. After that document got in your possession it was never shown by Mr.

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van Eyssen to General Hertzog?—No, not by Mr. van Eyssen after it got into my possession. After I got it in my hands it never got back to Mr. van Eyssen.

445. If shown by Mr. van Eyssen it was either shown before he handed it to Mr. Havenga, or it must be some other document?—Yes, so it might be the original telegram.

446. You have never seen the original telegram?—No.

447. Or a forgery of a telegram?—No.

448. This petition would make one assume that Mr. van Eyssen exhibited what purported to be an original telegram from the Post Office, a forged original; that you know nothing about. The document you received could never have been shown by Mr. van Eyssen to General Hertzog after it came into your possession?—No, not after I got it. I handed it round in the House only, and perhaps to other members, but never in Mr. van Eyssen's company.

449. *Mr. Mackeurtan.*] This telegram, or copy of a telegram, you gave, as far as you can remember, to *Die Burger* before the 2nd March. That information they got from you?—Yes.

450. The impression left on your mind was that the Chamber had no violent objection to offer to this motion?—Yes.

451. The Chamber afterwards took up the attitude that it said that the motion was quite unacceptable?—Yes.

452. At this interview of the 5th April with General Hertzog and Mr. van Eyssen, when you all got very angry, did Mr. van Eyssen deny that he had shown you or given you a copy of a telegram in these terms?—No.

453. His complaint was that you had made use of the copy of the telegram he had given you?—Yes, he said it was marked "private" and I had no right to use it.

454. He never denied that he purported to give you a copy of a telegram?—No.

455. *Mr. Davis.*] How did you explain the Chamber of Mines attitude; they had only sent one telegram to him and that was that the motion was quite unacceptable?—When General Hertzog said to him: "Why did not you tell us about that particular telegram in which they said that the motion was unacceptable," he said: "I received it only afterwards."

456. Did you ever hear anything about this letter of the 25th?—No.

457. Was it not raised at the meeting of the 5th April?—Yes; he handed a copy of the letter, and said: "General do you remember getting this letter?" and General Hertzog admitted having received a letter of that kind.

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458. Was the original produced at that interview?—No; I do not know. He just said: “Do you remember this letter?”

459. Were the terms of the letter discussed?—No, the letter was not discussed in my presence.

460. Are you quite certain that the document which Mr. Havenga handed to you was not a note as Mr. van Eyssen, suggested, complaining of the interjections in the House?—I have explained that to the Committee several times. On the top was written in Dutch: “Copy of telegram from ‘Bullion’ to J. L. van Eyssen,” and it was marked all the way down with inverted commas, and signed at the bottom “J. L. van Eyssen.” I did not know who “Bullion” was until Mr. Havenga told me it was the telegraphic address of the Chamber of Mines.

461. *Chairman.*] In this document was the expression “Chamber of Mines” used at all?—No.

462. That document that was given to you, what did you take it to be?—Copy of a telegram which Mr. van Eyssen got in reply to the telegram which he should have sent that morning or the previous day.

463. Did it occur to you at all it could have been meant as a note to you?—Never at any time.

464. Did you at any time directly or indirectly get any communication from Mr. van Eyssen with regard to interjections in the House as to the attitude of the Chamber of Mines?—No.

465. Did you at any time receive from Mr. van Eyssen any communication at all of the nature of the communication that Mr. Davis says that Mr. van Eyssen will say that he sent to you?—Never by word or deed, and I saw Mr. van Eyssen pretty often.

466. This document we have been referring to was it handed to you direct by Mr. van Eyssen?—I received it from Mr. Havenga after Mr. van Eyssen told me that he had handed a copy of the telegram to Mr. Havenga. I then went into the House and asked him for it.

467. Then it remained in your possession?—Not entirely; I made the fullest use of it, but it was never out of my sight.

468. After you had seen that document did you tell anyone that the Chamber of Mines had accepted General Hertzog’s motion?—Yes, before and after.

469. Your own acceptance of this document so far as the question of acceptance or otherwise of the motion was concerned was that it was ambiguous?—Yes.

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470. You regarded it as an unsatisfactory document from that point of view?—Yes, it was only satisfactory from one point of view, that Mr. van Eyssen had absolute discretionary power from the Chamber of Mines.

471. That purported to be an answer giving an expression of the Chamber of Mines attitude with regard to this motion?—Yes.

472. And their reply, you said, was ambiguous?—Yes.

473. Then in view of that, how do you come to tell at all that the Chamber of Mines accepted the motion?—By Mr. van Eyssen's statement.

474. Would you not have felt that, in view of the answer being so ambiguous, that it was highly dangerous to accept the statement by Mr. van Eyssen as to their attitude?—I never looked upon Mr. van Eyssen's statement as anything but a very honourable and straightforward statement.

475. You referred once or twice to this interview of the 5th April, but I do not think you have given us a clear account of what you say took place there. Tell the Committee shortly what this interview was and what took place there?—It was after the denial of this telegram from the Chamber of Mines, and after the denial in the House and Mr. van Eyssen's denial in the papers that he ever said that he accepted the motion that we sought an interview with him. He then came into the room, where we asked him to come, and General Hertzog asked him to hand him the original telegram that he received from the Chamber of Mines; he declined. Either he said he did not have it or he had sent it away, or something of the kind; I cannot tell exactly what he said. All his time was spent in making an attack upon me for having disclosed this copy of the telegram. General Hertzog and Mr. Havenga were naturally very cross with Mr. van Eyssen for not abiding by his word, and left, and I had some very sharp words with him because I felt very sore about it, that I was looked upon really by people generally as a man who had made a misstatement, and the only reason that Mr. van Eyssen could mention was that I was not leader of the Party. "Why did you not tell me you wanted a change in General Hertzog's resolution?" I said, and he said: "Because you were not the leader of the Party."

476. At that interview was it put directly to Mr. van Eyssen by anybody as to whether or not he had previously stated that the Chamber of Mines had accepted General Hertzog's motion?—No, the whole interview was with the object of getting the original telegram from him.

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477. What was said specifically to Mr. van Eyssen about the original telegram?—The only question was asked by General Hertzog : whether he would give the original telegram. I will not say whether Mr. van Eyssen said I have not got it, or cannot give it, or sent it away, or did not intend to give it.

478. Did he say there was no such telegram?—No, he did not say there was no such telegram, but he did not deny the existence of the telegram on that particular occasion. General Hertzog asked him : “ Why did you not tell us about that telegram which the Chamber of Mines said they sent to you ” ? and Mr. van Eyssen said : “ I only received it afterwards.”

479. Was that the telegram saying that the motion was unacceptable?—Yes.

480. *Mr. van der Riet.*] Did he not say anything about the letter of the 25th February?—Yes, Mr. van Eyssen handed him a copy of the letter.

481. It is perfectly clear that a telegram was received by Mr. van Eyssen from the Chamber of Mines on the 23rd February saying that they did not approve of the motion. It is clear that he wrote a letter to General Hertzog, dated the 25th February, saying that the Chamber did not approve of the motion. Did he not say I wrote you a letter?—As we sat down he handed a copy of the letter.

482. Before the conversation took place?—No, while the conversation was going on he pulled the letter out of his pocket, and said : “ Did you not receive this letter ? ”

483. You told us you received this on the afternoon of the 23rd?—Yes.

484. You showed it to a number of members?—Yes.

485. I suppose you showed it to confirm that Mr. van Eyssen was the representative of the Chamber of Mines?—Yes.

486. Why did you destroy it?—I wish I could explain that ; I am perhaps more sorry about it than the Committee.

487. You must have destroyed it that same afternoon, because the next morning it was gone already?—Yes, I destroyed it.

488. You tore it up?—Yes.

489. When did you tear it up?—I must have torn it up the following day or the same afternoon.

490. *Mr. Mackeurtan.*] Where?—In the House.

491. *Mr. van der Riet.*] How long after you received it?—It might have been the same day ; if I had it the following day I would have shown it to Mr. Louw.

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492. You know all through until quite a late stage in the House it was said that the original telegram had been shown?—Never to me.

493. But in the House?—No.

494. Personally, I remember it being said at a very late stage that it was only a copy?—Nobody said the original telegram had been shown to me because I would have corrected the statement.

495. It was said Mr. van Heerden was given a telegram?—Yes; copy of a telegram.

496. Not once a copy; I remember in the House it being said it was a copy on an interjection coming across from the Government side?—Yes Mr. Malan interjected and I said “Yes.”

497. *Chairman.*] Did you regard this as an important document?—If I did regard it as so important I would have stuck to it.

498. *Mr. van der Riet.*] You regarded it as important enough to show to a number of people?—Yes.

499. *Chairman.*] You received this document from Mr. Havenga?—Yes.

500. For what purpose was it given to Mr. Havenga?—To hand to me.

501. *Mr. van der Riet.*] You assured your party that the Chamber of Mines gave this power to Mr. van Eyssen?—Yes.

502. On the 2nd March when that leader appeared in *Die Burger* nothing is said about the document being a copy or about its being destroyed?—No.

503. When did you first mention to anyone that you had destroyed this telegram?—Mr. Fourie saw me destroy it. After I showed it to him I said it was not of much value and I tore it up in the House. That is Mr. Fourie the member for Somerset East.

504. Who else did you show it to before that?—I handed it round in the House and several members looked at it.

505. *Mr. Jansen.*] Were those the members who were not satisfied with Mr. van Eyssen's power?—The discussion was who Mr. van Eyssen was, where did he come to these powers, and this copy satisfied me that he had the discretionary power from the Chamber of Mines.

506. *Chairman.*] Mr. Fourie made no objection to your destroying this telegram, did he not warn you not to do so?—No.

507. As you destroyed it you said “I do not think it is of much value to us”?—Yes, because everybody admitted Mr. van Eyssen's discretionary powers then.

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508. You did not regard it at all of value as indicating acceptance by the Chamber of Mines of General Hertzog's motion?—No.

509. You regarded it of no value as far as that was concerned?—No, it was of no value as far as that was concerned.

510. Did you discuss the interpretation of it at all with Mr. Havenga?—I discussed it with so many I cannot remember whether I did. It is quite likely that I did. What I do remember discussing with Mr. Havenga was the word “Bullion”. I asked what that was and he said it was the Chamber of Mines telegraphic address.

511. I asked whether you discussed it specifically with Mr. Havenga because he told us he had put a certain interpretation upon it. You do not recall any specific discussion with him on that point?—No.

512. *Mr. Mackeurtan.*] Mr. Havenga rather took the view that the Chamber of Mines was going as far as it could in the telegram, in other words it could not say “we accept the motion” but it did go as far as it could?—I do not know.

513. Had you that impression too, you thought it was not much good?—I was naturally satisfied that Mr. van Eyssen had this discretionary power.

514. *Mr. van der Riet.*] Did you think this telegram was a “slimme diplomatieke” (*clever diplomatic*) reply as said in the newspaper?—I do not know whether I put it in those words.

515. “'n Meesterstuk van diplomatieke dubbelsinnigheid” (*a masterpiece of diplomatic ambiguity*) did you take up that impression?—Yes I spoke to Mr. van Eyssen and told him it was not satisfactory, I wanted them to confirm what he had stated.

516. *Mr. Jansen.*] Did you expect the Chamber to say “We accept General Hertzog's motion”?—No I did not expect them to say that.

517. Why should Mr. van Eyssen do it?—I was so taken up with Mr. van Eyssen's honesty, I did not wish to make a political question of it, but wanted to arrive at a solution.

518. *Mr. van der Riet.*] You said you spoke to Mr. van Eyssen and told him it was “dubbelsinnig.” What did he say? You ask for a definite reply and instead of that reply it comes and says while not disputing his power they warn him not to mix with any political party, the motion must be accepted by the whole House before they accept it. Did you not see that that amounts to nothing?—No I did not question him any further.

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519. Did you ask him whether he told any members of the South African Party that the motion would be accepted?—Yes, he said he had told it to a number of members; I did not ask him whether he had put it to members of the S.A.P. I did not want to make a political question of it; the matter was too serious.

520. You did make a political question of it by bringing this up in the House?—I did?

521. Yes?—I never did at any time. I all along did everything in my power to avoid the least sign of political influence; I was keen on getting the matter settled outside politics.

522. What made you give this information to *Die Burger* on the 2nd March?—Because then it appeared that Mr. van Eyssen was not satisfied to stick to what he originally told me. I heard rumours that he had come to General Hertzog and spoke about changing certain words in the motion.

523. I understood General Hertzog was away?—That was on the 24th February when he discussed that.

524. In your presence he told General Hertzog that the Chamber of Mines did accept the motion?—He told me in the presence of General Hertzog and Mr. Fourie, he admitted there that he said “I accept the motion of General Hertzog.”

525. Did you know of his letter of the 25th February at any time?—I know nothing about it.

526. Surely bringing this up and publishing it was making it a political matter?—Why should it be made a political matter after giving an interview in a party paper.

527. It is political sensation, this article as published?—No, I do not think so.

528. The article which appeared in *Die Burger* of the 2nd March can only lead to this that while Mr. van Eyssen had made a certain statement to you the Chamber of Mines withdrew that statement because it appeared that General Smuts was not accepting the motion?—Yes.

529. Did not that give a political tinge to the whole thing?—I never at any time tried to show any political tinge; I thought it was too serious a matter to mix politics with it because we all knew what was going to happen.

530. Mr. Mackeurtan.] You say the only objection Mr. van Eyssen took to General Hertzog's motion was in respect of the words “or agreed”?—With the conversation of the 24th, Yes.

531. Is that the only objection you ever heard of?—Yes, that I heard.

532. It does not seem to me to be very material, it seems

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more or less to fall under the words "established custom"?—The only two words discussed on the 24th were those two words "or agreement".

533. *Mr. Davis.*] What was your reply on the 5th April when you were attacked by Mr. van Eyssen for showing a note which was marked "confidential"?—I said to Mr. van Eyssen I do not remember that you marked it confidential but how can I preach if from the house-tops if it was confidential, or how can it be confidential if you handed it to Mr. Havenga and explained the matter to him, and Mr. Havenga was in possession of this note in the House.

534. Do you deny that what Mr. van Eyssen was alluding to specifically was a note to you?—Never.

535. He never said "my note to you"?—Never.

536. *Mr. van der Riet.*] I understand that this article "Die Kamer en Mosie Hertzog" in the paper is practically an interview?—In view of what happened in the House Mr. Rompel came and spoke to me and without taking any notes he went and wrote the article.

537. It says "Later het meer as een van die Volksraadslede wat teenwoordig was bij die verklaring van mnr. van Eyssen dat die Kamer die mosie van General Hertzog aanvaar (sonder meer, sonder enige beperking soos ons al gesê het) die gevolmagtigde van die Kamer op die verskil gewijs, maar hij het bij sij verklaring geblij dat die Kamer die mosie aanvaar." (*Afterwards more than one of the members of the House of Assembly, who were present when Mr. van Eyssen said that the Chamber accepted the motion of General Hertzog, as it stood, and without any limitation as we have previously said, pointed out to the authorized agent of the Chamber the difference, but he maintained that the Chamber accepted the motion*). That is to say that more than one member of Parliament who was present at the statement made by Mr. van Eyssen that the Chamber of Mines accepted the motion showed him, this agent of the Chamber, but he remained by his statement that the Chamber accepted the motion. Are you one of those who pointed out the difference between the telegram and what was accepted by Mr. van Eyssen?—Yes, I do not quite understand, except this that Mr. van Eyssen never at any time except on the 24th February departed from his original statement, that he accepted General Hertzog's motion.

538. What does this refer to, more than one member of Parliament pointing out to him this distinction in the telegram?—That article has no reference to me.

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539. It is supposed to be at this interview. Look at the last paragraph of this article of the 2nd March?—That is not the leading article.

540. That is not the leading article it is the “geskiedenis” ?—This article is more or less based on information from me, but the whole article is not what I stated.

541. The distinction between “discretionary power” and “absolute discretionary power,” you do not know what that referred to?—No, it might have been something that members had drawn Mr. van Eyssen’s attention to, or it might have been with an interview between him and *Die Burger*. I do not know what it means.

542. *Mr. Davis.*] Did you give that information to *Die Burger* that as soon as the telegram arrived Mr. van Eyssen avoided members whom formerly he used to see?—Well, if you call it avoided.

543. I want to know whether you told *Die Burger* that?—I cannot deliberately give a straight answer without explaining. If you call deliberately turning your back on one avoiding then Mr. van Eyssen did it by deliberately turning his back when he saw me pass and whenever he passed me when I tried to greet him. I did not give that information to *Die Burger*.

544. When did he turn his back on you, was that ever since that telegram arrived from the Chamber of Mines?—No, only after the trouble commenced.

545. He did not do it after the telegram arrived?—No.

546. There was no difference in his attitude after the telegram arrived?—No.

547. *Mr. van der Riet.*] When did he first turn his back on you?—If was after the telegram that was sent direct to all the members by the Chamber of Mines. I am not sure about the date.

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[Mr. C. G. Fichardt, M.L.A.]

Tuesday, 9th May, 1922.

PRESENT :

Mr. BISSET (Chairman).

Mr. van der Riet.
Mr. Jansen.

Mr. Mackeurtan.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter, of the firm of Messrs. Coulter & Co., Parliamentary Agents) appeared on behalf of Mr. J. L. van Eyssen.

Mr. Charles Gustav Fichardt, M.L.A., examined on oath.

548. *Chairman.*] You are member of the House of Assembly for the Division of Ladybrand?—Yes.

549. You wish to give evidence with regard to the matter referred to this Committee?—Yes. We came down from the Free State for the Parliamentary Session and the first time I met Mr. van Eyssen was on Saturday night in the Royal Hotel. I do not remember the date, but it was on a Saturday. We discussed this question of the disturbance on the Rand and Mr. van Eyssen furnished us with a number of particulars and the difficulties of working under conditions. He discussed also with General Hertzog the motion which he had seen, and the main difficulty seemed to be the question of the colour bar. What struck me most and what I only took an interest in was when General Hertzog asked Mr. van Eyssen what he thought of the resolution as it stood and they went through it point by point and on which General Hertzog questioned whether he had any objection, Mr. van Eyssen said “Nee niks” (*No, none at all*), and he seemed altogether satisfied with it. The conversation took place in Dutch. As far as I am concerned the conversation ended there and I did not see Mr. van Eyssen again until Thursday or Friday the following week. We were sitting in the Royal Hotel in the lobby and Mr. van Eyssen turned up. We suggested going out for coffee and General Hertzog went upstairs to get his hat and while I was standing in the hall waiting for him Mr. van Eyssen said to me he was very satisfied with General Hertzog’s speech, he thought he made a fine speech, the points he raised were such as they quite accepted, he could not

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see any objection to anything said in the speech. I said "That is all right—that is your opinion," we regarded him as a friend then, "but what do the other fellows think on the Rand?" We heard the labour organisations were prepared to accept it. He said "I can show you, I have got a telegram," and he took out a slip of note paper across the lines of which a message was written. I did not take it out of his hand, I put my glasses on and looked over his shoulder. He said it was a copy and he gave the original to Mr. van Heerden. I read it through and gave it back to him. He said that is the attitude the Chamber of Mines was adopting. We then went out and General Hertzog joined us and we went across to the tea room. As we went along I pushed General Hertzog off the pavement into the middle of the street and said "look here I do not trust that whole business at all. I trust neither the man nor the telegram." I thought that the telegram meant nothing at all because it was to be settled by Parliament. There was a general acceptance of the terms as far as I can remember and it finished up by saying we do not want to interfere between parties, let Parliament decide, if Parliament accept then we are quite prepared. When I saw the telegram first the impression on me was that it was an acceptance of the terms, but they were not going to interfere; if Parliament agreed to General Hertzog's terms then they would accept it, but they did not want to enter into the affair, they left it to Parliament. The impression we got was that if Parliament was prepared to accept it then they were quite prepared to accept it. The first impression we got from Mr. van Eyssen was that it was accepted at the meeting in General Hertzog's room on Saturday, where Mr. Havenga, myself, Mr. Steytler and Mr. van Eyssen were present. When he spoke to me about General Hertzog's speech I said "That may be your opinion and my opinion, but was not the fellow up there the man who matters."

550. *Mr. Mackeurtan.*] So far only you had seen this alleged copy of the telegram?—Yes.

551. You are talking of your impression at the time you were walking in the street with General Hertzog, where was Mr. van Eyssen?—He was walking just in front.

552. At that time you only had seen the telegram?—No, I believe—

553. Had anybody else in your presence seen it?—No, I did not hear of it until Mr. van Eyssen himself showed it to me.

554. Where were the others?—We were standing in the

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hotel. I do not know exactly where the others were: they were sitting about in the lobby and I got up to go with General Hertzog. I think Mr. van Eyssen came out of the dining room. We were generally discussing the matter. I think Mr. Wessels was sitting in the lobby smoking after dinner, the others were also in the lobby and Mr. van Eyssen and I were the only two speaking together. I had no firm impression about the matter. I was suspicious right from the beginning; I felt it did not mean what it meant and that is what I expressed at the time. It was after all a matter for Parliament to decide and General Smuts was in the majority and whether it was his commission or not it would be decided upon by the majority.

555. At the time you made that remark to General Hertzog was he aware of the telegram?—He had seen it. I do not know when he had seen it but he immediately discussed it and said “you can accept it, I have known the man ever since he was a student, and you can accept it.”

556. In what form was what was written on the slip of paper?—As far as I remember it was an ordinary piece of note paper torn off with the message written across the lines. It purported to be a copy of a telegram which had been handed to somebody else. I think it was in his own handwriting; I have seen his handwriting and think that was in his own writing and was written in pencil across the lines.

557. *Chairman.*] Did it appear by whom it was sent?—I am under the impression that it came from “Bullion.”

558. You went off and you and General Hertzog were going to the coffee house, had you anything further to do with it?—No, nothing—that was all I had to do with it.

559. *Mr. Davis.*] Do I understand on Saturday evening the 18th February you got the definite impression of a clear unqualified acceptance of the terms of the motion from Mr. van Eyssen?—Well, no I do not think I would call it an unqualified acceptance, there were one or two things he raised. My own impression was that it was an acceptance and we were satisfied that we worked it, that we had found a solution. There was some question about the *status quo*, and did General Hertzog mean that if his resolution went through that every coloured man then doing coloured labour would be turned out and a white man put in his place. General Hertzog said “No, I do not want to disturb anything, everything remains as it is, we want to preserve things as at present until more satisfactory arrangements are made,” and Mr. van Eyssen expressed himself as satisfied.

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560. There was a question of re-employment of the men?—Yes. He said, of course the natives had been sent away and it was difficult to get men at once, that arrangements would be made, but that some men would be out of work for the time being.

561. There was some question about the use of the word “retrospective” in the motion?—There was so much cross conversation, Mr. Steytler was there and while he was explaining here, another point was being explained on the other side.

562. Can you explain this to the Committee, Mr. Havenga told us this explicitly, at this Royal Hotel interview the discussion was more or less of a general nature. Mr. van Eyssen gave information about the position on the Rand, but he did not say for one moment at that interview that Mr. van Eyssen accepted the motion. I put it to you if Mr. Havenga said that can you explain it?—Yes, I think so. The whole discussion kept resolving itself into smaller groups. There were Mr. Steytler and Mr. van Eyssen, who represented the Chamber of Mines, and we were sitting in the bed room; there was not much convenience for sitting, some were on the bed, some at the table and others right at the back on a trunk. Then the conversation sometimes would change across, Mr. Steytler would be explaining to General Hertzog while Mr. van Eyssen and Mr. Havenga had a conversation, and then it would change over the other way. The conversation often ran parallel. I have a definite recollection of General Hertzog towards the end of the interview clinching it down and saying on this particular point do we agree, or don't we agree, and where is the difference, and Mr. van Eyssen would say “Daar-teen het ek niks.” (*To that I have no objection*). I will not have heard all because the conversation kept cropping round. The only thing I can remember were the other points raised as to what General Hertzog meant by “kleurling” (*coloured man*) and “naturellen” (*natives*).

563. This was the summing up where General Hertzog said we have had all this talk, let us get down to bed rock?—Yes.

564. Am I right in saying that according to General Hertzog's speech made subsequently, Mr. Steytler was also listening to this summary and made no objection at all?—I cannot say I think Mr. Steytler was most of the time anxious to talk; he was talking much more than was necessary, he had only come as an extra help I think, I regarded Mr. van Eyssen as the principal man, but Mr. Steytler was butting in unnecessarily.

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565. *Chairman.*] The impression you got was that Mr. van Eyssen had practically no objection to General Hertzog's motion?—Yes, that is so.

566. If Mr Havenga's evidence is to the contrary the only explanation you can give is that the conversation was patchy?—Yes.

567. He might have got a different impression to you?—Yes, he sat behind Mr. van Eyssen and might not have heard.

568. This is what General Hertzog says after giving the earlier part of the conversation and talking about this conversation about “naturelle” (*natives*) and “arbeidsveld” (*sphere of employment*) he says: “spreker vra wat het julle teen die mosie, en van Eyssen se ‘niks,’ en Steytler het niks gese nie” (*speaker asks what have you against the motion and van Eyssen replies ‘nothing’ and Steytler did not say anything*)? I do not think that Mr. Steytler discussed the details.

569. You took it that Mr. Steytler also agreed by saying nothing?—No, I would not like to go that far. My impression was that Mr. Steytler had come there to give some of his own impressions. He was not interested in what Mr. van Eyssen said; he was there to fire his gun about his own experiences. According to my impression he was there to tell us how difficult it was to work the mines with shop stewards and the colour bar and that sort of thing. I do not think he even knew what the business was. He was the fifth wheel to the wagon.

570. They went through the motion bit by bit?—Yes, not very fully, they did not read it out. General Hertzog said, putting his finger on the paper, “now this here,” he and Mr. van Eyssen could see it, and Mr. van Eyssen would say “ek het daar niks teen nie” (*I have no objection to that*) and when it was finished Mr. van Eyssen said he was quite satisfied.

571. Was the point raised as to the question who was to appoint the Commission, whether it was to be a Select Committee?—No, I have no recollection of that at all.

572. You say you think that was Thursday or Friday?—Yes. On Wednesday I was out and Saturday night General Hertzog left, and the only two nights it could have been are Thursday or Friday.

573. About what time?—Some time after dinner, about 8.30 or 9 o'clock, or perhaps later. I am not certain about the time, it might have been later, but certainly was not earlier.

574. Was it between 8.30 and 10 o'clock?—Or perhaps 11 o'clock. My impression is that we left there earlier, the [S.C. 4—'22.]

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other impression I have is that when we got to the "Waldorf" it was crowded, which would have been the theatre people coming out; anyway, when we got there we had difficulty in getting a seat.

575. About this slip of paper, when you say note paper do you mean scribbling paper?—No, it was a full size quarto sheet with lines even fainter than this scribbling pad, it had been torn across; I remember the bottom end had been torn off crookedly. It was a sheet of ordinary foreign note paper with lines running across, it had been torn that way, and written across.

576. That was shown to you in the lobby?—Yes, the lobby of the hotel after dinner.

577. Who else were there?—There were a number of people; as far as I can remember there were Mr. Havenga, Mr. Wessels, myself, Senator Marais. They were scattered about sitting down having liqueurs. I was standing in the hall when Mr. van Eyssen walked up to me.

578. Did Mr. van Eyssen have dinner with you?—No, I think he was living in the hotel at the time, or he dined there. How long after dinner it was I cannot say, it must have been some little while. My impression is that we sat in the lobby of the dining room smoking and chatting, and then a move was made to go.

579. When you were shown this copy of a telegram did the others see it, did they come round to see it?—We were standing in the middle of the lobby between the columns talking and he showed it to me; I do not know if the others saw it. The reason I did not mention it was that I was suspicious of the thing from the beginning.

580. And you communicated your suspicion to General Hertzog?—Yes.

581. Can you remember what did Mr. van Eyssen say when he showed you this?—He came to me and said General Hertzog had made a fine speech, and generally was playing the heavy friend I thought. He said if the speech was accepted it would mean a solution of the whole thing in a couple of days' time. I said "That is all right, old chap, that might be your opinion, the real fellows that matter are the fellows up-country." He said "Have you not heard," or something like that, "I have a message from them, here is a copy, I have given the original to somebody." My impression is that he said to "Mr. van Heerden," but I might have picked that up later on. He said that was the copy of an original which he had given to somebody else and that was what they say.

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582. You made a speech in the House on the 7th April and what you said was this: "I saw the telegram myself that he gave us"?—Yes.

583. That was not quite correct, it was a copy of a telegram that you saw?—Yes, well, I was referring to the message, I would call that a telegram. The actual instrument shown was a copy, but he told me that was the telegram. I was referring to the message and not the the copy of the message.

584. By that time you already knew that there was at least already raised some question as to whether such a telegram had been sent or received?—Yes, I suspected that from the very beginning; I did not trust my man, to be honest about it.

585. If that be so I will take you back, it was not quite correct to say that he misled you or tried to mislead you?—Well, yes.

586. "The telegram was handed to us to deceive us"?—Yes, I should think so.

587. Whom did you mean by "us"?—Of course by that time I had heard that half-a-dozen others had been shown that telegram.

588. You mean members of the party who had seen it?—Yes.

589. "It was handed to each of us"?—Yes.

590. What do you mean by that?—I had heard that it had been handed to Mr. Havenga, General Hertzog, Mr. van Heerden and Mr. Wessels, each one came along and said "We heard the news."

591. You did not mean you had seen it handed?—No.

592. "And we were told something we should be extremely pleased about"?—Yes. He said after the conversation if this thing can be accepted then in a couple of days the whole difficulty would be settled up there. He showed the telegram, and I had a feeling that if a solution had been found by General Hertzog it would be a considerable feather in the caps of the Opposition if it were so.

593. "The telegram" you went on to say, "was handed to us for the purpose of deceiving us, and it served its purpose." how did that happen if you for instance, distrusted the whole thing from the outset?—It served its purpose so far as I am concerned that when I mentioned the matter to General Hertzog he said, "you are quite wrong, I have known the man ever since he was a student, he is an honest straight fellow and you can accept his word for it."

594. You say you pointed out to General Hertzog that you distrusted the whole business?—I simply said I mistrusted the whole thing.

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595. His answer was he had known the man since he was a student and had confidence in him?—Yes.

596. He was going then on with what the man told him?—I do not know what he was going on with.

597. He was quite satisfied with what he told him?—He said he was a honest man.

598. He said he was an honest man and he believed what he told him?—He said I can believe it.

599. Was there any further discussion that night on the subject of this motion?—No, I do not think so. We did not sit together; we could not get a table together, and I sat with Mr. Havenga for the rest of the evening.

600. You remember this note, was there a signature on it at all?—No, I do not remember; my impression is that there was an initial at the foot.

601. In regard to the heading, you are not quite certain whether you heard it afterwards or saw it at the time that is from “Bullion” to “van Eyssen”?—I have got the impression that was what I saw.

602. That was all the heading there was, nothing more that you remember?—I did not look particularly, when one looks at a telegram quickly you look at the top left-hand corner.

603. On the top left-hand corner was “Bullion”?—Yes. The impression I got of it from the practical point of view was this, that it meant we will do it if Parliament likes and I had no faith in Parliament doing as we liked.

604. About the original, do you know of anybody who had seen the original telegram?—No, I have not taken much interest in the whole thing.

605. You cannot fix this evening more definitely than Thursday or Friday?—I can only fix it by other dates. Saturday evening General Hertzog left, so it could not be that and Wednesday I was out for dinner.

606. The House could not have been sitting that night because you went straight off from the hotel?—No, it was too early in the Session; the House does not sit in the night for the first ten days.

607. I am instructed that the House, as a matter of fact, sat on Thursday and Friday that week?—I do not think we would have done this if the House had been sitting.

608. Was that the night you communicated your suspicions to General Hertzog.—Yes.

609. Can you explain that how you came to be in the hotel?—I am quite sure we were at the hotel. I may not have been in the House and General Hertzog may not have been in the

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House. I am quite sure of the meeting at the hotel. I am not sure of the time whether it was 9 or 11 o'clock. What makes me think it was later was because the Waldorf was crowded with people from the theatre. Whether I went to the House or whether I did not I cannot remember. I went to the Waldorf without a hat and General Hertzog went upstairs to get his hat before going.

610. You say you sat in the lounge in the hotel?—Yes, after dinner.

611. And the five of you all walked down?—I do not know how many walked down. I walked with General Hertzog and I think Mr. Havenga. I do not know whether there was a sixth, but my impression is that there were six because when we got there the table was too small and they had to put two tables together.

612. I see on Thursday night you were apparently making interjections in the House of Assembly?—Then it must have been after the House.

613. It is quite clear that the House sat both nights?—Yes

614. *Mr. Mackeurtan.*] According to you, you sat after dinner in the lounge and remained there for the rest of the evening and went out after General Hertzog went to fetch his hat?—That is my impression, I do not remember being at the House. The impression I have is that the telegram was shown to me in the room and it must have been a little after that.

615. You are clear it was after dinner on Thursday or Friday?—Yes; between dinner and 11 o'clock.

616. And you sat in the lounge on Thursday or Friday and you remained there?—No; I will not say we remained there. I always sit in the lounge after dinner and that is my impression that it was sometime after that that Mr. van Eyssen showed me this copy.

617. Then you went out from there to the Waldorf?—I am not quite sure of that.

618. There is something obviously wrong with the times?—That might be. The only way I can place the time is by the fact that the Waldorf was crowded when we got there and it would not be crowded at 9 o'clock.

619. You went out on Wednesday?—Yes.

620. You are certain it could not have been Tuesday?—That I cannot say.

621. General Hertzog was in the House on Friday night?—Yes. It must have been subsequent to General Hertzog's [S.C. 4—'22.]

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speech because Mr. van Eyssen said he was satisfied with his speech.

622. I think it is very important and I should like some explanation. This is a matter largely of accuracy of memory?—Yes; I do not remember the days I only remember the events.

623. It must have been Thursday or Friday, because General Hertzog went away on Saturday and you went out on Wednesday. It could not have been Tuesday?—Yes; I can only say it must have been later than I thought it was if we came down from the House.

624. You came down from the House and then went out for coffee?—That is the only way I can account for it. We were in the lobby of the hotel and General Hertzog went to get his hat, whether it was to go to the House I cannot say, but it was at that moment that Mr. van Eyssen showed the telegram to me. We may have come down to the hotel again and found Mr. van Eyssen there, but my impression is that General Hertzog went upstairs after dinner to get his hat, or it might have been his pipe, and I was left in the lobby and Mr. van Eyssen came up to me when I was in the lobby. It may have been that we had been to the House and came back and that was the time that the telegram was shown. Mr. van Eyssen may have come back with us, and then we went to the Waldorf. My clear recollection is that the Waldorf was crowded when we got there and we could not have gone there at 9 o'clock, or that we would sit drinking coffee and liqueurs from 8 to 11. We probably went out after dinner to the lounge as usual and General Hertzog went up to get his hat to go to the House and then the telegram was shown to me and we went to the House and came back and met Mr. van Eyssen and went to the Waldorf. I think that is probably correct. I am quite clear about the outstanding fact that the telegram was shown to me and that we went to the Waldorf.

625. This letter of the 25th February from Mr. van Eyssen to General Hertzog (Appendix D), when did you first see that?—I only saw it in the paper. I only heard of it that night in the House when I referred to it. It was just whispered to me in the House.

626. *Mr. Mackeurtan.*] If your recollection of dates is correct General Hertzog had not got the letter at the time of this conversation with Mr. van Eyssen?—I do not know much about it, I only heard about it afterwards. General Hertzog left for the Free State on Saturday the 25th.

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[Mr. C. G. Fichardt, M.L.A.]

627. *Mr. Davis.*] Were you at the station that Saturday night to see General Hertzog off?—I do not think so; I cannot remember.

628. What did you mean when you said in the speech to which I have referred, referring to the letter “it had nothing to do with the case”?—I knew nothing about that. As I was speaking Mr. Havenga whispered to me that the letter had nothing to do with the case. I knew no more about it than what I was told as I was speaking, or as I stood up to speak.

629. By that time you had seen the contents of the letter, it had been made public?—Yes; I do not know if I ever read it. I was not very much interested in this thing from the beginning.

630. Do you read the *Times*?—I just read the headlines. I did not read the letter.

631. You had not discussed the letter with anybody?—No.

632. You were concerned with the telegram when you were speaking and not with the letter?—Yes; with the telegram.

633. You went on about the letter, you said it certainly was a denial?—I saw that on the headlines. I knew the general purport of it; I do not know that I have read it to this day.

634. “The matter had already gone forth,” what had gone forth?—I do not know, it is possible that I did not even use that expression.

635. Did you not say that?—I do not know what I did say, I do not know whether I would talk rubbish like that; one does often talk rubbish and think you are talking sense, although I do not know what that means.

636. *Mr. Mackeurtan.*] You said “I was not concerned about the letter”?—Yes; I do not think I was sufficiently interested to read the letter.

637. *Mr. Davis.*] You saw this letter handed to General Hertzog?—No.

638. Did you not state in the House that it was handed to General Hertzog as the train was leaving?—No, Mr. Havenga said to me, as I was speaking, that the letter was pushed into his hand at the last moment and I concluded it was just as he went away.

639. You know as a matter of fact Mr van Eyssen did immediately after you had spoken, deny your statement?—I did not see but I heard it sometime afterwards. Somebody sent me a note asking me whether I would contradict Mr. van Eyssen, and I wanted to know what he had said.

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640. He challenged you to state when, where and how this telegram or alleged telegram was shown to you?—Yes. I did not see the letter myself, I believe it was in the *Times* and somebody told me about it.

641. *Mr. van der Riet.*] Was there any date on the document shown to you?—On the document itself? No, I do not remember. I think there was a date and initial the initial looked to me like something and a “G,” but I did not pay much attention to it. The important thing was what the message itself stood for.

642. You cannot give us anything verbatim of it?—No, the impression I carry is “We will agree to it if Parliament agrees, but we do not want to interfere” or “take sides.”

643. *Mr. Mackeurtan.*] It did not say the motion was quite unacceptable?—No, certainly not. The impression I took away was in fact that we had done a very good thing and found a solution where the Government could not, except my suspicion of the Committee which after all would be a Government Committee.

644. *Chairman.*] Did Mr. van Eyssen say anything about enquiring from the Chamber of Mines in regard to their attitude on General Hertzog’s resolution?—No, not to me. I think he only raised the question with me because I said “It is all right as far as you are concerned, but what do the other fellows say.” There was no previous conversation between Mr. van Eyssen and myself, I had only seen him that evening and on this particular evening that we met at the Royal Hotel and went to the “Waldorf.”

645. Did you rely on him as having any particular authority to represent the Chamber of Mines?—I understood he was representing them, they had been sent down both to represent the Chamber and to supply any information we may require and have his services at our disposal.

646. *Mr. Davis.*] Do you know whether there was any doubt amongst your people as to the extent of his authority to represent the Chamber of Mines?—No, I do not know. General Hertzog told me he was the accredited representative, as far as I know.

Mr. Johannes Bernardus Wessels, M.L.A., examined on oath.

647. *Chairman.*] You are member of the House of Assembly for Frankfort?—Yes.

648. You wish to give evidence as to your knowledge with regard to the matter referred to this Committee?—Yes.

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[Mr. J. B. Wessels, M.L.A.]

One afternoon shortly after the introduction of General Hertzog's motion Mr. van Heerden showed me a copy of a wire he received from Mr. van Eyssen. I cannot give you the words of the copy, but the contents simply amounted to this: that Mr. van Eyssen was here and the Chamber of Mines leave everything to his discretion and they wish him to maintain their non-party attitude and they would be prepared to submit to any resolution the House may adopt.

649. Can you give us any idea when this document was shown to you?—I cannot give the exact date, it was in the first week, it was about the 20th February.

650. Can you say whether General Hertzog's motion had been introduced yet?—Yes, and it was after he spoke on his motion.

651. In what form was it?—It was written in lead pencil and was from "Bullion." I did not know at the time what "Bullion" was, so I asked Mr. Havenga "Who the devil is 'Bullion,'" and he said that it was the telegraphic address of the Chamber of Mines; and every line was in inverted commas as well.

652. Was there any signature on it?—I am not certain whether it was addressed to van Eyssen or whether it was signed van Eyssen, but I am quite certain that it pretended to be a copy of a telegram from "Bullion" either to van Eyssen or signed by van Eyssen.

653. *Mr. Mackeurtan.*] Did the word "van Eyssen" appear on the telegram?—Yes, but I cannot say whether in the address or whether it was signed by him.

654. *Chairman.*] Do you remember whether there was on this piece of paper any such words as "Copy of Telegram?"—Yes, there were but I cannot say whether in Dutch or English, but I am quite certain about this that there was writing on the piece of paper that it was a copy of a telegram.

655. This was shown to you by Mr. van Heerden, how did he come to show it to you, in what connection?—As you know Mr. van Heerden and Mr. Fourie sit immediately behind me in the House and they were discussing this motion at the time and I spoke to them about it, and Mr. van Heerden then showed me the copy, and I think Mr. van Eyssen was at that moment sitting in the bay just opposite us.

656. It arose out of a conversation taking place between you with reference to General Hertzog's resolution?—Yes.

657. *Mr. van der Riet.*] Do you know Mr. van Eyssen's handwriting?—No.

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658. Before this matter came into dispute had you any conversation with Mr. van Eyssen?—No.

659. All that you know is that a document was shown to you which was represented by others to come from Mr. van Eyssen?—Yes.

660. *Mr. Mackeurtan.*] Was there nothing in the document that there had been interjections in the House and that the Chamber of Mines name had been brought in and that that should not be done?—No, nothing at all.

661. You are absolutely certain of that?—Yes.

662. What sort of paper was it on?—I am not certain about the paper, it was about the size of the scribbling paper used in the House.

663. *Mr. van der Riet.*] Do you know when Mr. van Heerden tore it up?—No, I handed it back to him; I only saw it once and returned it to him at once, and at the same time I asked him whether it was not private and he said “No.”

664. *Chairman.*] Was that all you had to do with the matter?—Yes.

665. *Mr. Mackeurtan.*] Were you present at or were you near another conversation which Mr. Fichardt and General Hertzog had with Mr. van Eyssen in the lounge of the Royal Hotel?—No, I was not there.

666. Were you here on Friday night the 17th February?—No.

667. On Saturday night the 18th?—No, I only arrived here on Monday afternoon, that was after the opening of Parliament; they opened on Friday the 17th February.

668. On the 23rd or 24th do you remember any conversation between Mr. van Eyssen and Mr. Fichardt in the lounge of the Royal Hotel?—No. I remember one night General Hertzog, Mr. Fichardt, Mr. van Eyssen, myself, and I think somebody else, had tea at the “Waldorf” but we did not talk anything about this telegram.

669. Can you tell us when it happened?—No, I do not remember.

670. What time was it?—It was about 10 or 11 o'clock.

671. Was it after the House sat?—Yes.

672. Had you come away from the House?—No, we came from the Royal Hotel.

673. Had you been up to the House before then?—I do not think we sat that night. In any case it might not be the night you refer to.

674. *Mr. van der Riet.*] We are trying to get some definite date, on Thursday and Friday the 23rd and 24th February

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the House sat. What we want to find out is whether it was either of those two nights: you are sure it was not after the House had been sitting?—No, it was not; we came from the Royal Hotel.

675. *Mr. Jansen.*] Was it after the copy of the telegram had been shown to you in the House?—I really do not know whether it was before or after. In any case I and Mr. van Eyssen met very frequently but we never discussed that.

676. *Chairman.*] On that evening you say you went to the "Waldorf" at 10 or 11 o'clock—from where did you go?—From the Royal Hotel.

677. Had you been in the Hotel in the lounge any time before you went?—As far as I can remember I had dinner there, or I was staying there at the time and did not leave the hotel until we went to the "Waldorf," and the others also had dinner there. I will not say for a moment that we were always together. I have a very faint recollection that General Hertzog and Mr. van Eyssen were together for some time before we left.

678. It could not have been on Thursday and Friday because those two nights the House sat?—Not after the House sat.

679. *Mr. van der Riet.*] General Hertzog left on Saturday night?—Yes.

680. It could not have been Saturday?—Yes.

681. It must have been either Tuesday or Wednesday?—Evidently.

682. Are you sure it was the first week?—Yes, it must have been because General Hertzog was present.

683. He was away quite a long time?—Yes, and when he returned I was away, so it must have been in the first week.

684. Then it could not have been Thursday, Friday or Saturday?—No, I do not think so.

685. *Mr. Mackeurtan.*] Mr. Fichardt says he does not think it was Wednesday because he was out on Wednesday?—I am certain about that that we went from the Royal Hotel.

686. Between 10 and 11 o'clock?—About that time; it might have been earlier, but we did not come from the House. I think we had been sitting in the hotel all evening.

687. *Chairman.*] You remember General Hertzog making his speech on his motion?—Yes.

688. Can you remember whether it was long after he made that speech?—It could not have been long after that.

689. He made his speech on Tuesday afternoon?—Yes.

690. Was it the same night?—I do not remember that.

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691. *Mr. Davis.*] Do you remember exactly who went to the "Waldorf"?—I remember General Hertzog, Mr. van Eyssen myself, and subsequently Mr. Fichardt said he was present too.

692. Do you remember from your own knowledge?—No, I do not, neither do I remember who everyone was, but I think we were six.

693. This copy of the telegram, can you give us some idea of what night that was?—No, it was in the afternoon I saw it.

694. Do you remember who was speaking?—No.

695. It could not be the 20th, General Hertzog only introduced his motion on the 21st?—It was not that week, it could have been the 23rd.

696. Or the 22nd?—Very likely, I am not at all certain about the dates.

697. You actually raised the question with Mr. van Heerden whether this was confidential or not?—Yes.

698. *Mr. Mackeurtan.*] Why?—I do not know; but that was one of my questions.

699. Had it private or confidential written on it?—No, nothing.

700. *Mr. Davis.*] It was on a sheet of paper something like this (*indicating pad of paper*)?—Yes.

701. Written which way—was it just written down the pad?—I am not at all certain, it might have been, the paper was very ordinary like a note book, just about this size. I do not remember whether it was torn off and had a rough edge.

702. Was it open or folded?—It was handed to me flat.

703. Did you look at the back at all?—No.

704. Do you know whether there was anything written on the fold?—No, I do not; as far as I remember I did not look.

705. Either "private" or "confidential"?—No.

706. Was it in Dutch or English?—English.

707. The whole of it?—I am not certain about the heading, but I am certain that the contents of the wire were in English.

708. *Mr. Davis.*] You are quite certain that it was a telegram and not a note?—It was not in the form of a note. I am quite certain about that.

709. Was the name of the Chamber of Mines mentioned in it?—No; the telegram was from "Bullion," which I subsequently ascertained was the address of the Chamber of Mines.

710. At the time?—Yes.

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711. You said you understood that that was from the Chamber of Mines?—I understood that.

712. You said, in answer to Mr. Mackeurtan, that you did not make much of the telegram?—That is so. I did not.

713. You did not talk of the telegram in this form. You thought it was not of much importance?—What struck me was that they were prepared to support any resolution the House might adopt, and I think the Chamber knew that General Smuts' attitude would not be adopted by the House.

714. You took it as a polite form of saying that General Hertzog's motion was not acceptable?—So I took it. I thought at the time that the Chamber of Mines knew perfectly well what General Smuts was driving at.

715. Do you know how the telegram came to be sent—this later copy?—No. I remember that at the same time Mr. van Heerden said that Mr. van Eyssen told him the Chamber of Mines would submit to General Hertzog's motion and he asked Mr. van Eyssen what assurance he could give him. So Mr. van Eyssen said he would wire the Chamber and show Mr. van Heerden the Chamber's reply.

716. As to whether they would support the motion?—Yes; whether they would be prepared to accept it.

717. It was sent for that purpose?—Yes, so I took it.

718. And, of course, as an answer you regarded it as quite satisfactory from the Nationalists' point of view?—From my own personal point of view I did.

719. Can you tell me this by any chance—I know it is very difficult: That night when you went to the "Waldorf," may that well have been about the time, the night, after you received this copy of the telegram or not?—I would not like to say that.

720. Do you remember Mr. van Eyssen coming there that night?—To the Royal Hotel?

721. Yes?—No, I do not remember his arriving.

722. I think you were sitting on the balcony of the Hotel. You often sit on the balcony?—Yes, very often.

723. Do you remember Mr. van Eyssen and General Hertzog having a talk and going off into the writing room?—I am inclined to think so. I only remember that we went from the Royal Hotel to the "Waldorf."

724. That was after the talk?—Yes.

725. *Mr. Mackeurtan.*] Did you recognise the writing on this copy of the telegram. Was it familiar to you at all?—No, I had not seen Mr. van Eyssen's handwriting before.

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726. It was not in the handwriting of anybody you knew?—No, the writing was not familiar to me.

727. You know Mr. van Heerden's handwriting. It was not in his writing, nor was it in Mr. Fourie's?—No, it was not in the handwriting of either of those gentlemen. I am not very good in recognising handwriting, but I will always recognise Petrus van Heerden's handwriting as it is a peculiar handwriting.

728. *Mr. van der Riet.*] Do you know Mr. Havenga's handwriting?—Yes, it was not in his handwriting.

729. Was General Hetzrog's name mentioned in that document?—No.

730. Not at all. You have already said that the Chamber's name was not mentioned?—No, the word "Chamber" was not mentioned.

731. The account in *Die Burger* of the 2nd March contains one or two rather bad discrepancies. It reads here in Dutch: "Ons wens nie inbreuk te maak op u mag om uw diskretie te gebruik nie re Generaal Hertzog se mosie." (*We do not wish to interfere with your power to use your discretion in the matter of General Hertzog's motion*) That is not right?—No.

732. It reads further: "Ons wil dat u die posiesie van die Kamer wat hom nie aansluit by enige party nie handhaaf en ons wens die saak te laat in hande van die lede van die hele Huis" (*We wish you to maintain the position of the Chamber, which does not take sides with any party, and we wish to leave the matter in the hands of the members of the whole House*). You say that the words "re Generaal Hertzog se mosie" (*in the matter of General Hertzog's motion*) did not appear in the telegram?—No. I do not think so.

733. And the words "Ons wil dat u die posiesie van die Kamer wat hom nie aansluit by enige party nie . . ." That is wrong again?—I think the words used were "We wish you to maintain our . . .," and I had been told that was the Chamber.

734. To maintain a non-party attitude?—Yes.

735. That it was considered advisable to leave it to all the Honourable Members of the House?—I do not know whether it was "to all the Honourable Members of the House" or simply "to the House."

736. "Lede van die Huis" (*Members of the House*) is stated here?—I cannot say whether that is right or wrong.

737. The Dutch version states "en ons wens die saak te laat in hande van die lede van die hele Huis"?—I would not like to say what the exact words were in that connection. I

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take it that there is hardly any difference between "all the members of the House" or "to the House."

738. I am asking you this question because the text of the document was given, and there is such a difference as to two points of it?—I can quite see your point.

739. *Mr. Mackeurtan.*] "Discretionary power" was not mentioned?—No.

740. It was mentioned that it had to be a non-party attitude on the part of the Chamber?—Yes.

741. The matter was to be left to the Members of the House or the whole House?—Yes.

742. *Chairman.*] This document which was shown to you by Mr. van Heerden in the House, can you remember whether that was prior to the occasion on which you went to the "Waldorf" or after?—That question has already been asked of me, and I said I could not remember.

743. *Mr. van der Riet.*] You did not connect your visit to the "Waldorf" with this telegram at all?—No.

744. You went to the "Waldorf" without any discussion taking place of van Eyssen's attitude at all so far as you know?—After we left the Royal Hotel, the whole party was not together.

745. So far as you are concerned the visit to the "Waldorf" did not link up with this matter at all?—No. I did not discuss it with Mr. van Eyssen.

746. *Mr. Davis.*] Do you know of anybody who has seen the original of this telegram?—Well, there was quite a lot of talk in the lobbies, but I would not care to say whether the original was seen by anybody or not.

747. *Mr. van der Riet.*] Has anybody told you that he has seen the original?—No.

748. Has Mr. van Heerden told you of anybody who has seen the original?—No.

749. Have you discussed the matter with Mr. van Heerden?—Subsequently?

750. Yes, generally about the question of this telegram?—Generally, yes.

751. Has he told you of anybody who has seen the original?—No.

752. He did not know anybody who had seen the original?—So far as I can remember we did not discuss whether anybody had seen the original or not.

753. You did not discuss with Mr. van Heerden the whole question of this telegram?—Not with Mr. van Heerden exclusively.

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J. Steinmeyer.]

754. He amongst others?—Well, you know how members meet in the lobbies. I probably discussed it in his presence.,

755. Did you discuss with him the question as to whether this telegram was really ever sent or received?—No.

Mr. Johannes Steinmeyer, examined on oath.

756. *Chairman.*] You are on the staff of *Die Burger*, Mr. Steinmeyer?—Yes, on the editorial staff of *Die Burger*.

757. What is your position there?—Acting Assistant Editor.

758. You have come here to give the Committee some evidence in regard to the matter that has been referred to it?—Yes.

759. *Mr. van der Riet.*] Who asked you to come?—Mr. Havenga.

760. *Chairman.*] Will you proceed to give the Committee your knowledge of this matter?—On the afternoon of the 27th February, 1922, I had an interview with Mr. van Eyssen in the Houses of Parliament in the room of the Nationalist party whips. I was introduced to Mr. van Eyssen by Mr. J. H. H. de Waal. I asked Mr. van Eyssen for an interview in connection with the rumours to the effect that the Chamber of Mines supported the motion of General Hertzog. Mr. van Eyssen denied in so many words that the Chamber of Mines supported General Hertzog's motion, and you will find that in the account of the interview published in *Die Burger* of the 28th February.

761. *Mr. Mackeurtan.*] Did you make notes or did you give an account of the interview as you recollected it?—No, I made notes. Mr. van Eyssen practically dictated the greater part of it to me.

762. *Chairman.*] Does the account in *Die Burger* give a correct report of what took place between you and Mr. van Eyssen?—More than what is stated in the account took place.

763. *Mr. van der Riet.*] There is an account in *Die Burger* which does not set out all that happened between Mr. van Eyssen and yourself?—Quite so.

764. *Mr. Mackeurtan.*] What else happened?—In the course of conversation Mr. van Eyssen told me that there was absolutely no question of the Chamber agreeing to the motion of General Hertzog, because he had wired to the Chamber and he had received a reply, and he showed me the wire.

765. What did the wire say?—I cannot remember the correct wording but I remember that it was an ordinary

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telegraph form with typewriting on strips of paper in the usual way. It come from "Bullion" to "van Eyssen" and it said that they had received his telegram and that they did not want to interfere with his discretionary powers, but they did not ally themselves with any political party and they left the matter in the hands of the members of the House.

766. You saw the original telegram?—Yes.

767. Are you absolutely certain about that?—Absolutely.

768. There is no possibility of your making a mistake about that?—No.

769. *Mr. Jansen.*] Did it have the ordinary date stamps of the Post Office on it?—I could not say that, but I know that it was an ordinary telegram form. It was typewritten on tape on the telegram—in fact it was the usual sort of telegram that one gets.

770. *Chairman.*] It was in the form of an ordinary original telegram?—Yes, as received from the Post Office.

771. *Mr. Jansen.*] Did it bear any date?—I did not notice the date.

772. *Mr. Mackeurtan.*] You are sure that it was on the 27th February that you saw the telegram?—Yes, during the same interview.

773. *Chairman.*] Why is that not referred to in this account of your interview reported in *Die Burger* of the 28th February?—The interview was practically finished, and it was of no use putting the telegram in because Mr. van Eyssen had said practically the same thing as appeared in the telegram. He only showed me the telegram as a confirmation of what he said.

774. *Mr. Mackeurtan.*] He used that telegram to show you that the Chamber of Mines did not accept the motion?—Yes.

775. *Mr. Davis.*] Have you got your original notes here?—No.

776. What became of those notes?—I have not got them any more.

777. What become of them?—I threw them away.

778. When?—Immediately after I had finished my account of the interview.

779. Those notes were taken in a note-book?—Yes, in a note-book.

780. Where is that note-book?—The note-book was of perforated sheets, and when I finished with them I threw them away. I never thought that there would be any importance attached to the notes or that anything would result from them.

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781. As Mr. van Eyssen told you these things so you took them in your note-book?—Yes.

782. Including the point in regard to this telegram?—I did not take the telegram down.

783. There is not a word in your note-book about the telegram?—I made a few notes that there was a telegram.

784. I asked you whether you put anything in your note-book. Did you, or did you not?—Not, the exact words of the telegram.

785. You took down a few notes that there was a telegram?—Yes.

786. Did you take down the date of the telegram?—No. I did not notice the date of the telegram.

787. You did not ask about it?—No.

788. Did it not strike you as important that the existence of a telegram was important?—Not after what Mr. van Eyssen said.

789. Why was it not important after what he said?—Everything that was in the telegram was in the notes.

790. Is that so?—Practically, yes.

791. Will you tell me again, please, what was in the telegram?—I cannot remember everything that was in it.

792. As near as you can remember?—The telegram was “Your telegram received. Although we do not want to interfere with your discretion, we do not ally ourselves with any political party, and leave the matter in the hands of the House,” or something like that.

793. “Your telegram received.” Where does that appear in the account of the interview?—It does not appear in the interview.

794. That does not appear in the interview?—No.

795. “Although we do not want to interfere with your discretion”. Where does that appear?—It does not appear in the interview.

796. “And leave the matter in the hands of the Members of the House”. Where does that appear?—It does not appear.

797. I put it to you that there was not one word of what appears in that telegram that appears in the interview you gave. You cannot point to one single sentence?—No, I cannot.

(Mr. Mackeurtan pointed out to Counsel that certain words used by witness as having appeared in the telegram appear in the account of the interview, and Counsel admitted that it was only fair to witness to admit that that was so.)

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[Mr. J. Steinmeyer.

798. This telegram that was shown to you, was it something like this? (*Counsel indicated copy of an original telegram.*)—Yes, on typewritten strips.

799. The ordinary form, headed in the same way?—It was an ordinary telegram form.

800. With the same white strips on it?—Yes, and typewritten.

801. You are quite clear as to that?—The strips might have been blue. I do not remember whether they were white or blue.

802. You do not remember that. That is just the point?—I do not remember that.

803. Did you have the telegram in your hands?—Yes. Mr. van Eyssen took it out of his papers and gave it to me.

804. It was in all respects like a genuine telegram?—It was in all respects a genuine telegram.

805. You read that telegram?—Yes.

806. Did it not strike you that it proved nothing?—It proved nothing. But I may tell you that I came there prepared to hear Mr. van Eyssen say that the Chamber of Mines supported the motion of General Hertzog.

807. You came to see Mr. van Eyssen—why?—There were rumours amongst Members of Parliament that the Chamber of Mines supported the motion of General Hertzog.

808. And that is why you interviewed Mr. van Eyssen?—That was why. To get a confirmation of those rumours.

809. Were you sent by the editor, or did you come on your own account?—The editor was not there, so I went down on my own.

810. Were you acting as editor?—No. Dr. Bodenstein was still with *Die Burger* at that time. He was assistant editor, and he left us on the 1st March.

811. Did he send you or did you go on your own account?—He told me to go some day.

812. Why did he tell you to go?—Because he had heard the same rumours.

813. At what time did you go down?—In the afternoon.

814. At what time?—At about tea-time.

815. On the 27th February?—That is the date.

816. That morning there had been a long leading article in your paper on the subject of “*Die Verantwoordelikheid van Generaal Smuts*” (*The Responsibility of General Smuts*), and amongst other things it said this: “*Die ander party die Kamer van Mynwese, het egter ook sy bereidwilligheid daartoe te kenne gegee*” (*The other party, the Chamber of*

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Mines, has, however, also expressed its willingness.) You published that?—Yes.

817. I would like to put it to you: Are you in the habit of putting in the leading articles of your paper what are mere rumours. Did you make positive statements that the Government knows all about it and is responsible for the whole of the business, knowing that it was a mere matter of rumour. Do you not think that it was so?—The Assistant Editor at that time, Dr. Bodenstein, had seen Members of Parliament and they told him that the Chamber was prepared to support the motion.

818. What were the rumours?—We heard first that the Chamber was accepting the motion and then we heard that the Chamber was not accepting it and that was why I came down to see Mr. van Eyssen—to ascertain whether the Chamber had accepted the motion.

819. On the previous Saturday you had an article in your notes of the House reading: “*Die Burger* het van more ’n belangwekkende bewering gemaak, nl. dat ’n vertegenwoordiger van die Kamer van Mijnewese rondloop en vertel dat die Kamer van Mijnewese bereid is om die voorstel van Generaal Hertzog aan te neem. Na aanleiding daarvan het ons ondersoek ingestel en die bewering word bevestig deur verskeie volksraadslede aan wie die verteenwoordiger van die Kamer van Mijneweze hierdie versekering persoonlik gegee het. Ons verneem verder dat ook die Regering hiervan in kennis gestel is, maar die Eerste Minister het geantwoord dat hij die voorstel van Generaal Hertzog as ’n mosie van wantrouwe in die regeringsbeleid beskou en dat hij dit om die rede nie kan aanneem nie.” “*Die Burger*” made an important statement this morning, viz., that a representative of the Chamber of Mines goes about telling people that the Chamber of Mines is prepared to accept the motion of General Hertzog. In connection therewith we inquired into the matter and the statement is supported by several members of Parliament to whom the representative gave this assurance personally. We were further told that the Government has also been informed of this, but that the Prime Minister replied that he considered the motion of General Hertzog as a vote of no confidence in the Government and that for that reason he could not accept it.) Did you make those enquiries?—No.

820. That statement was made on the 25th February, and did you go to interview Mr. van Eyssen not because of any rumours but because on the Monday the *Cape Argus* had come out in large letters “Nationalist Canard. Contradiction by the Chamber of Mines. Sidelights on the Strike.” And

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it went on to say "Mr. J. L. van Eyssen, who is acting as representative of the Witwatersrand Chamber of Mines in Cape Town called at the *Argus* Office to-day to contradict a statement which had appeared in the Nationalist Press to the effect that the Chamber of Mines was willing to agree to the proposals for a settlement of the strike embodied by General Hertzog in the resolution now being debated in the House of Assembly"?—That was on the same day. I saw Mr. van Eyssen before I read the *Argus*.

821. Your interview had nothing to do with the contradiction. It was merely a coincidence?—Yes.

822. Did you not see it before you wrote the account of your interview?—From the Houses of Parliament I went straight to my office and wrote the account of the interview. When I had finished I saw the *Argus*.

823. Then you saw that the matter was one that had become of importance to *Die Burger*. The charge was against *Die Burger*?—At that time I did not see any importance in it. The importance of the whole question came up afterwards.

824. Would it be of sufficient importance to you to mention in a subsequent leading article a few days later that the *Argus* was calling this a canard. Do you remember that?—I do not.

825. May I take you to the article of the 2nd March. Did you interview Mr. van Eyssen about that time?—No.

826. Did he go to see you?—He came to the office but I did not see him.

827. Do you know who did?—Mr. Rompel.

828. Did you say a word about this telegram to anybody at the office. Did you tell your editor about it?—I told them about the telegram at the time.

829. That would be on the 27th February?—On the afternoon of the 27th February.

830. There is not a word about the telegram in the leading article or in the account of the interview. The telegram is mentioned for the first time on the 2nd March. Can you explain that. Why, if you had seen the original telegram and had told your editor that you had seen it, there is not a word about it in the account of the interview, that is to say, that you had seen it?—I do not know. I did not write the leading article.

831. You will remember that in the article on the 2nd March they were in some doubt as to the wording of the telegram?—They did not know the exact wording.

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832. Did they ask you about it?—They asked what I remembered about it.

833. What did you tell them?—I told them what I have told the Committee here. Besides that I might mention that Mr. van Eyssen had been to the office before the 2nd March and he went to see Mr. Rompel, and so far as I heard from Mr. Rompel, Mr. van Eyssen read out the telegram. Mr. Rompel did not see the telegram.

834. Is Mr. Rompel coming to give evidence?—That I cannot tell you.

835. Did Mr. Rompel see what Mr. van Eyssen was reading from?—That I cannot say. I was not there.

836. When you saw this original telegram on the 27th February did you accept what Mr. van Eyssen said that the Chamber of Mines did not accept the motion?—Yes, it appears in the interview.

837. And that you took to be the telegram?—That I took to be the position of the Chamber of Mines.

838. Did you take that to be the meaning of the telegram?—Not exactly the meaning of the telegram, but the telegram confirmed what Mr. van Eyssen said. The essence of the telegram was that the Chamber of Mines did not agree with General Hertzog's motion. They were not prepared to support it. That was the impression I got from the telegram. They left it at that, and the interview with Mr. van Eyssen put it quite clearly.

839. Can you explain this to us: How does it come that on the 2nd March the articles put it that this telegram was “'n meesterstuk van dieplomatieke dubbelsinnigheid” (*a masterpiece of diplomatic ambiguity*.) That when this difference between the telegram in its original form was pointed out to Mr. van Eyssen that he stood by it and that this telegram was as a matter of fact the result of the acceptance of the motion?—I cannot explain that. I did not write the article.

840. You say that in the telegram it was stated “not wishing to interfere with your discretionary powers”?—Discretion or discretionary powers.

841. *Mr. van der Riet.*] It began “Your telegram received”?—Yes.

842. *Mr. Davis.*] Did you ask Mr. van Eyssen what that telegram was?—Yes, and he told me that it was in reply to a

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telegram that he had sent to the Chamber of Mines on the request of some Member of the House, who had asked him what the attitude of the Chamber of Mines was in connection with the motion.

843. Did the name of the Chamber of Mines appear anywhere in the telegram?—The wire came from “Bullion” to Van Eyssen, and Mr. van Eyssen explained that “Bullion” was the telegraphic address of the Chamber of Mines.

844. Was the Chamber mentioned in the body of the telegram?—That I do not remember.

845. Was General Hertzog mentioned in the body of the telegram?—No.

846. You were referred to on the 2nd March, and in the version that appeared in *Die Burger* that day, the words “re Generaal Hertzog se mosie” (*in the matter of General Hertzog’s motion*) specifically appear?—No, those words did not appear in the telegram as far as my recollection goes.

847. Mr. Mackeurtan.] Do you remember those words being in the telegram?—I cannot say. I do not remember.

848. Mr. Davis.] Did you not enquire at all as to when this telegram arrived?—No.

849. Did you not consider that a matter of interest?—No.

850. You had gone very fully expecting Mr. van Eyssen to agree with the motion?—Yes.

851. You had heard that he had stated to a Member of Parliament that he did agree?—Yes.

852. Rumours, as you say?—(*No answer*).

853. Did it become a matter of extreme importance to know when he changed his attitude. When it was and why it was?—If you read the account of the interview you will see that Mr. van Eyssen told me that he had many conversations with General Hertzog and that from the first he did not agree with him. As a matter of fact he said they had got no further than paragraph (a) in regard to the *status quo*.

854. But you did not believe that. You and your paper?—Not at that time. I mean *Die Burger*, of course.

855. Did it not become a matter of great importance to *Die Burger* to know when it was that the attitude was changed?—Yes, I suppose so.

856. Why did you not then try to find out?—I read the telegram itself, but I did not look at the dates.

857. And you agree with me that it was of extreme importance to find out the date and that the telegram would have given you the date. I ask you again, why did you

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not look at the date on the telegram?—I can give you no explanation.

858. Where was the telegram addressed to?—To Van Eyssen, Cape Town.

859. No address at Cape Town?—There might have been another address, but I do not remember seeing it.

860. *Mr. Mackeurtan.*] Are you sure that the name of the recipient was “Van Eyssen”?—Yes.

861. You did not make a mistake about the telegraphic address?—No, there was only one telegraphic address: from “Bullion” to “Van Eyssen.”

862. It is a matter of supreme importance. Are you perfectly sure that it was from “Bullion” to “Van Eyssen”?—Absolutely.

863. *Mr. Davis.*] You cannot say what the address was?—The address was Cape Town, but I do not remember whether there was any other address in between.

864. When did you first hear that there was considerable doubt as to whether there was an original telegram?—I noticed that in the *Daily Mail*, where the telegraphic correspondence between the Chamber of Mines and Mr. van Eyssen was published.

865. When was that?—I do not remember the date.

866. When about?—Sometime in March. That happened just after General Hertzog’s motion on the subject. Then the *Rand Daily Mail* published the full telegraphic correspondence.

867. On the 7th March your Johannesburg correspondent was instructed to interview the Chamber of Mines about the telegrams which passed and you were supplied with copies of telegrams that passed?—That might be so.

868. Why were these never published and what became of them?—That I cannot say.

869. Who will be able to tell the Committee that?—Mr. Rompel.

870. *Mr. Mackeurtan.*] I understand from this that as early as the 7th March Mr. van Eyssen denied such a telegram?—It did not come to my notice.

871. There is no denial in the paper of a telegram having been sent out on the 2nd March?—Not as far as I remember.

872. *Chairman.*] When did you first hear that he denied the existence of such a telegram?—When I saw the telegraphic correspondence. Then I noticed that the telegram as I had seen it was not there, but that it was quite a different telegram.

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873. *Mr. Mackeurtan.*] When was that?—It was shortly after General Hertzog made his speech.

874. *Mr. Davis.*] On or about the 7th March your Johannesburg correspondent wired to you that he had called upon Mr. Gemmill of the Chamber of Mines. That is right?—As it appears in the newspaper.

875. And that there was only one interchange of wires about General Hertzog's motion, between the Chamber of Mines and Mr. van Eyssen?—I do not remember.

876. Is that right?—I do not remember the wire at all.

877. It appears that *Die Burger* correspondent stated that he wired *Die Burger* to the effect that there was only one interchange of telegrams. Is that correct?—I do not know. Mr. Rompel is the news editor and he handles correspondence.

878. Did you see or hear of the answer that your Johannesburg correspondent obtained in his interview with the Chamber of Mines?—I never heard it.

879. At any time?—After the publication of the correspondence by the *Rand Daily Mail*—that was in April—then I believe, that Mr. Rompel wired to our Johannesburg correspondent to go and see the Chamber of Mines about the matter.

880. You told me already that you did see it on the 7th March?—I do not know. I said that if you read it in our paper it would be right, but I do not remember about it.

881. *Mr. van der Riet.*] Can it be possible that the telegram which you saw was a forgery. You are certain that you was an original post office telegram?—An original ordinary post office telegram.

882. And if the department keeps all the telegrams received and the telegram was from "Bullion" to van Eyssen it will be in the post office at the present moment?—Yes. I think the original was handed in at Johannesburg. I do not think the post office keeps copies of telegrams handed out here.

883. *Chairman.*] Do I understand that you are absolutely certain that this telegram which you saw was addressed to "van Eyssen, Cape Town"?—To van Eyssen.

884. There is no doubt about that at all in your mind?—No.

885. *Mr. van der Riet.*] And it was from "Bullion," Johannesburg?—It was from "Bullion." I do not remember whether "Johannesburg" was mentioned.

886. *Chairman.*] Did you examine the telegram closely to see whether it was an original?—No. It had the same appearance as an original telegram.

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887. You made no close examination to satisfy yourself on that point?—No, not at all. I had no idea that it could be forged.

888. *Mr. Mackeurtan.*] Did you know who “Bullion” was?—Mr. van Eyssen explained to me that that was the Chamber of Mines.

889. It is of course important to know exactly the name from whom the telegram was sent and by whom it was received. Are you absolutely certain about that?—Yes, absolutely.

890. When you had this interview with Mr. van Eyssen on the 27th February did he say anything to you with regard to having received any other telegram from the Chamber as to his attitude with regard to General Hertzog’s motion?—He said “Here is a reply I got from the Chamber of Mines,” and he took it out of a cover of papers and handed it over to me.

891. Did you either see during that day, or were you told by Mr. van Eyssen, anything about a telegram in these terms “Chamber to van Eyssen. General Hertzog’s motion quite impracticable and entirely unacceptable to us”?—No.

892. Up to the time of the interview on the 27th February, did you hear of any telegram at all in those terms?—No.

893. You are absolutely certain that at that date Mr. van Eyssen said nothing to you about having received a telegram of that kind?—No, nothing at all.

894. *Mr. van der Riet.*] If we take the interview an account of which you gave to your paper and at that time Mr. van Eyssen had a telegram from the Chamber of Mines saying that the proposal of General Hertzog was impracticable, that telegram would be more consistent with the interview as reported?—It would have been more consistent with the interview.

895. And if he wanted to fortify his interview that is the telegram that one would naturally expect to be shown. If he had a telegram in his pocket received from the Chamber of Mines saying that the motion was not acceptable, such a telegram would have been more consistent with the interview?—Quite.

896. Are you quite sure that he did not show you such a telegram as has been referred to?—I am quite sure about that. He showed me the other telegram and he gave me the impression that that was the opinion of the Chamber of Mines—as he gave out in the interview with me.

897. *Mr. Mackeurtan.*] As far as I can see there was a

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number of paragraphs to General Hertzog's motion and in many respects the Chamber of Mines agreed with it. According to this interview there were two objections—paragraphs (a) and (b) one on the words “or agreement” and the other in regard to the low grade mines, so that the rest of the motion was apparently acceptable. The idea of the Chamber of Mines, therefore, was that the motion was partly impracticable?—But the whole thing turned on the “*status quo*.” That was what was objected to in the interview, and that was really the principle of the motion.

Mr. George Albertyn Louw, M.L.A., examined on affirmation.

898. *Chairman.*] You are a member of the House of Assembly for the Colesberg Division, Mr. Louw?—Yes.

899. I understand that you are going away in two or three days and the Committee therefore desires to hear your evidence before your leave?—Yes.

900. I believe that you have a statement to make in regard to this matter that has been referred to the Committee?—Yes. On a certain date—I cannot recollect the date—I saw Mr. Petrus van Heerden and Mr. Atties Fourie sitting at a tea-table in the lobby. I walked up to them and had a chat with them. Then Mr. Petrus van Heerden said to me—because I referred to the question of the strike: “Why don't you people accept General Hertzog's motion, then all our trouble will be over. The Labour Party is prepared to accept it and the Chamber of Mines is prepared to accept it.” I said, “Where do you get hold of that.” He said, “The Labour Party tell us so and the representative of the Chamber of Mines tells us so.” I said, “What representative,” and he said that Mr. van Eyssen had said so. I said “well, I know Mr. van Eyssen, and I am going to see him.” Then I walked away and I met one of the members of the Labour Party—I think it was Mr. Christie—and I had a conversation with him. He denied that they knew anything about the matter. I said, “The Nationalists tell me that you are prepared to accept General Hertzog's motion.” He said, “I know nothing about it.”

901. Then what did you do?—Then shortly after I fortunately met Mr. van Eyssen and I told him that Mr. van Heerden had told me that he (Mr. van Eyssen) had said that the Chamber of Mines was prepared to accept General Hertzog's motion, and he said it was not true. We spoke in Dutch.

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902. Where did you meet Mr. van Eyssen?—To the best of my recollection it was in the lobby of the House in the neighbourhood of that brass memorial tablet to three Members.

903. And then?—And then I told him what Mr. Petrus van Heerden had said and he said it was not true. He said, "Who says so?" I said, Mr. Petrus van Heerden and Mr. Atties Fourie, and he said, "I want to see them." We went back and we found the two members still sitting at the table. I said to Mr. Petrus van Heerden, "Mr. van Eyssen says that you are not correct in your statement, and it is not true." He said, "Come, let us discuss the matter," and then we sat down at the table. General Hertzog came along, one of them called him and said, "General Hertzog, we want to discuss your motion with Mr. van Eyssen." He said, "Come, let us go to the Whips' Room." They rose from the table to go to the Whips' Room, and I also rose and walked away. Mr. Fourie called me and said, "Louw, come along." I said, "I am not going." I said in the House why I did not want to go to the Whips' Room.

904. Will you tell us shortly your reason for not going?—It was not because I funk'd the question. I was very anxious to hear what was going to take place. But General Hertzog treats me in such a way, and his attitude since 1914, after we had a friendly meeting and more than a meeting, has been such that he never takes notice of me, and consequently I do not take any notice of him, and I was not going into the Whips' Room at his invitation. That was purely the reason why I did not want to go with them.

905. *Mr. Mackeurtan.*] Do you know what Mr. van Heerden thought of Mr. van Eyssen's remark that it was not true?—It is difficult to say. I would have liked to have been in the office to hear what expressions there were, but I was not at the meeting.

906. *Mr. van der Riet.*] Did not Mr. van Heerden make any remark such as "How can you say that"?—As far as I recollect, he said, "Well, come let us discuss it." Some little time after I met Mr. van Eyssen, and I said, "Well, how far have you got with the matter." He said, "I have told them that it is only under certain conditions that we can accept General Hertzog's motion. I have written a letter to the effect which I have handed to General Hertzog and I have a copy in my pocket."

907. *Chairman.*] Did you see that letter?—No, I did not.

908. When did this conversation take place?—What date?

909. Yes?—I have no idea.

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910. Can you give an approximate date?—I cannot.

911. Can you tell me in what month it took place?—No, unless I make a note of things, I am, as far as my diary is concerned, nowhere.

912. Was it shortly after the introduction of the motion by General Hertzog or had a considerable time elapsed?—If I tell you, it will have to be guess-work. It did take place exactly as I have stated, but I cannot give you a date.

913. If I understand you correctly, then General Hertzog came up to the table at which you four were about to sit down?—We were just seated.

914. Before you had entered into conversation about the matter?—Yes.

915. Beyond the fact that you said that Mr. van Eyssen had said that the Chamber of Mines was not prepared to accept General Hertzog's motion?—Yes. I came up to Mr. van Heerden and I told him what Mr. van Eyssen had said, and he said, "come, let us discuss it," and before anything more was said, General Hertzog came along.

916. Did you go off in the direction of the Whips' Room?—No. It is the nearest table to the Whips' Room down the corridor from the Senate side, and as we rose I walked towards the Assembly Hall.

917. *Mr. van der Riet.*] If Mr. van Heerden says that was on the 24th February, would you say that was the date?—I cannot tell you the date.

918. *Mr. Davis.*] It is put to you that if Mr. van Heerden says it was on the 24th February, you would not deny that. If Mr. van Eyssen says it was on the 23rd, a couple of days before he wrote his letter, is not that rather in accordance with what you remember?—I cannot be sure.

919. It might have been the 23rd or the 24th, you are not sure?—It might be either of those dates as far as I am concerned.

920. This was in the evening, was it not?—I would not be too sure of the time of the day.

921. Mr. van Heerden says this: That they were standing at the table and that you and General Hertzog came up at the same time?—No, he is wrong. They were still seated when we got there. I walked round and spoke to Mr. van Heerden, and I took a seat there, and we were just seated when I saw General Hertzog coming along, and they called him.

922. Then Mr. van Heerden said that they were still standing at the table when you started to walk away, and they
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[Mr. G. A. Louw, M.L.A., and Gen. the
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at once tackled Mr. van Eyssen as to whether he had not told them what he said they did?—At the table?

923. Yes?—No, we were seated. I am positive that I was seated, and I saw General Hertzog come along. (*Witness here gave a description of the table and the way the party was seated.*)

924. What happened when you got up?—We all more or less got up at the same time, and I walked on towards the Assembly and they turned the corner. To the best of my knowledge I was with Mr. Atties Fourie, and as he turned the corner he said, “Louw, come along,” and I said “I am not going.”

925. As you walked away?—Yes.

926. Did you hurry away?—No, I walked as I usually do.

927. Is it possible from your knowledge that you walked away leaving them standing at the table and that they put a long question to Mr. van Eyssen at the table and got his answer before they ever started going to the Whips’ Room at all?—No, that is impossible. They turned the corner. I saw them turning the corner. Whether they went into the Whips’ Room, I cannot say.

928. Was it made perfectly clear to Mr. van Heerden and Mr. Fourie that there was not a shadow of doubt that Mr. van Eyssen denied the statement?—Yes.

929. And the only answer of any sort was, “Come, let us discuss it”?—Yes.

930. Did General Hertzog overhear that remark?—No, he could not have heard it.

Wednesday, 10th May, 1922.

PRESENT :

MR. BISSET (Chairman).	
Mr. van der Riet.	Mr. Jansen.
Mr. Beyers.	

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter, of the firm of Messrs. Coulter & Co., Parliamentary Agents) appeared on behalf of Mr. J. L. van Eyssen.

General the Hon. James Barry Munnik Hertzog, M.L.A.,
examined on oath.

931. *Chairman.*] You are member of the House of Assembly for Smithfield?—Yes.

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[General the Hon. J. B. M. Hertzog, M.L.A.]

932. I think the most convenient course will be for you to proceed with your account of the matter of your petition?— I think it will be advisable if I first say a few words with regard to the relationship which existed between me and Mr. van Eyssen up to the time that he came to see me. We had been acquainted with one another for many years; I think it dates back as far as his college days, if I am not mistaken. Since that time I have met him off and on and the relations between us were those, I think, of friends. I may say this that I always had the greatest confidence in him and I always looked upon him as a man whom I could implicitly trust. I may say this even in this transaction which took place during the session of which I now complain, I on several occasions impressed upon my friends that he was a man in whom I had the greatest confidence and that what he told me I took to be the absolute truth. On the 17th February I gave notice of my motion. On the morning of the 18th Mr. van Eyssen was announced to me in my office in the Opposition room. I told them to bring him in; he came in and he told me that he had been wired for from where he was living, I think he said Frank Smith, to come to Johannesburg by the Chamber of Mines, and that he had been asked by them to come down here as their representative in order to lay before members of Parliament all information with regard to the strike and the position of the Chamber of Mines with regard to the strike. He spoke of our old acquaintanceship, and told me that what he was going to tell me I could take absolutely as coming from a friend to a friend. He said he told them he was prepared to go and he asked them whether they had approached me and they said "No." He said, "Well, I think you ought to have done so, and I intend when I go down to go immediately straight to General Hertzog and see him." He said, "Well that is why I am here now. I want to lay before you and your friends all possible information with regard to the strike and the attitude of the Chamber of Mines." He urged upon me that he might have an opportunity of meeting me and my friends. I said, "Well, Kotie" (I always called him by his name), "I do not know whether I require any information, I want to leave everything to the Commission to be appointed, and as far as I am concerned information is practically of no use to me." "But," I said, "I suppose you have seen my motion I gave notice of yesterday"? "Yes," he said, "I have, and I immediately wired to the Chamber of Mines." I then said, "Well, have you any objection against it," and his answer was simply this—"niks" (*none at all*). My con-

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versations with him were in Dutch throughout. Then he again urged upon me to give him an opportunity of meeting me and my friends in order to lay before them his information. I said, "Parliament has just started and I will be here only for one week ; I am leaving on Saturday night." This was on Saturday morning, the day after I moved my motion. I said to him, "I have to leave next Saturday again and it will be very difficult for me to get an opportunity for you to meet my friends," so he suggested would that evening do. I first said, "I have decided to leave this afternoon for Stellenbosch to meet my friends there before I go back, and I do not know how long I shall be." I hardly said it and then, on reflection, I said, "You come over to my room in the hotel and I shall meet you to-night." He said, "Very well." That night after dinner I came out and there he was in the lobby of the hotel ; he had evidently been dining there, and with him was Mr. Steytler. I knew Mr. Steytler and greeted him and exchanged a few words with him, and I said to Mr. van Eyssen, "We better go up to my room." I was about to say "Good evening" to Mr. Steytler when Mr. van Eyssen said, "No ; Mr. Steytler is accompanying us." I said, "All right." He said to me that Mr. Steytler was also representing the mines. Then we went up to my room—he, Mr. Steytler, myself, Mr. Havenga and Mr. Fichardt. When we got to the room he commenced to discuss the position and amongst others he read a number of papers and correspondence between the Chamber of Mines and the labourers and the various mines. I have here a number of the papers, they were eventually given to me as copies of the correspondence that had taken place. (*Witness put in papers referred to*). I shall refer to these papers later. After some time he took out of his pocket a copy of the Order Paper on which my motion was printed. He then began to discuss this and showed the position of the mines with regard to the colour bar and wanted to know how that affected it. There were two points, the agreement, he wanted to know whether the *status quo* fell under that and I told him yes. He pointed out how the position was that there was such a large number of workers, miners, who did nothing and were practically holding sinecures. I pointed out to him and said that was why I used the words "arbeids veld" (*sphere of employment*). I wanted no sinecures ; the Commission were to enquire whether these men were workers, and if they were not workers I did not want them. There was another point in the motion and that was the word "naturelle" (*natives*). I confined that word to natives. He wanted to know whether that included coloured

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people. I said, "No ; I advisedly used the word 'native' because my policy is that your coloured man is not going to share in segregation, therefore he will be taken up with the white, and the coloured man will not fall under the word 'native'." So we went on for some time and discussed various things all about the same point practically, revolving about the same centre. Seeing that we had discussed the matter for such a time and his pointing out these things I thought probably since yesterday he changed his mind and had some objection against it. I then said, "Maar watter beswaar het jij teen die ding" (*but what objection have you to this*), and he said "niks" (*none at all*). I see Mr. Steytler denies that. If he says so he could not have heard it, there was a lot of cross talk and I can understand his not hearing it. I think he says he did not hear it. If at that moment I had known that at a later date all this attitude of the Chamber of Mines would be brought into question I would no doubt have taken better precautions to have it well understood. When I asked whether he had any objection he simply said "niks" (*none at all*), and the result was that we left, and he gave me these papers just before leaving. That was on Saturday night. I might have seen him again on Monday, but as far as I can recollect nothing transpired. On Tuesday, the 21st February, I moved the motion in the House. After I had moved it I received a small piece of paper from Mr. van Eyssen, written in pencil, and expressing a wish to see me. I think General Smuts was talking at the time, at any rate I did not want to leave the House just then, and I sat on for some time before going out. Just as I came out in the lobby I met Mr. van Eyssen. He said to me, "Well, you have not said anything that I can take any exception to," and he complimented me on the tone of my speech and added (this was after General Smuts' speech), "If this motion had been accepted the strike would have been at an end within two days." I think he spoke to me in Dutch, but those were his words ; they struck me because in my speech I said in the House that I felt sure that if the motion were accepted the strike would be at an end within two days and I gave my reasons, and here he was using the very same length of time, and it made an impression upon me immediately. I thought I wonder whether it is because I said so. That was after General Smuts had spoken on the 21st February. I had a few of my friends and told them what Mr. van Eyssen had told me about the attitude of the Chamber of Mines and they thought I should ask him whether I could use it. My answer to them was that I did not want to

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do it for this reason, the moment Mr. van Eyssen told me it struck me that if I were in his place I would not do that because General Smuts had now already said that he was not going to accept the motion and if the Chamber of Mines were going to accept it I felt sure it would lead to unpleasantness between the Chamber and Mr. van Eyssen, and I did not want that to happen because Mr. van Eyssen had years previously informed me of all the good work that he had been doing for certain labourers on certain of the mines in the Transvaal, and I may say that I felt this at the time very much, because it is something of which one cannot help approving if you see a man who takes an interest in his fellow men who are helpless. I said to them, I know he is well disposed towards these miners there, from what he told me I gathered that, and I would not like to bring him into a position of being repudiated by the Chamber of Mines. I felt sure whatever his influence may be it was clear there would come conflict between him and the mines after General Smuts having refused to accept the motion he were to say the mines accepts this position. For that reason I would not make use of it. Then on the day after, on Wednesday the 22nd February, as I came into the building in the lobby, on my way to the House, which was already sitting, I was a little late. Mr. Bodenstein, who was then Editor of *Die Burger* rushed up to me and said he wanted to see me for a moment. I said, "What is it"? He said, "Did Mr. van Heerden tell you what Mr. van Eyssen told him." I said, "No." Then he said that Mr. van Eyssen had said that the Chamber of Mines had accepted my motion and he could declare it from the house-tops, and he (Mr. Bodenstein) wanted to know from me whether they could make use of that. I immediately said, "No; wait, I will go and see Mr. van Heerden," for the very same reason I have already given you. I felt that Mr. van Eyssen was going further than I would have done if I had been in his position. I immediately walked into the House, straight up to Mr. van Heerden's seat where he was sitting in Parliament, and said, "van Heerden, I hear this," and repeated what Bodenstein had just told me, "is that so"; and he said "Yes." I said, "Moet nou nie daarvan gebruik maak nie" (*do not make use of that*). I said he must first go and see Mr. van Eyssen again, and he said all right, and with that I left. That was on Wednesday. On Thursday afternoon, after Mr. Webber had spoken, I met Mr. van Eyssen again in the lobby, and he asked me something to the effect whether I could not have my motion amended so that the word "agreement" should be erased from it, saying that they did not want

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the *status quo* in any way or to any extent to fall under that. I have a slight recollection that he had just previously asked me whether I could strike it out and that subsequently he came to me, on the same day I think, and I then told him I would see. The first time he came to me was after Mr. Webber's speech, when I said I will see what I can do to amend it. The second time I know I said to him I feel I cannot amend my motion, but it is free to the other side to move an amendment to that effect. In the House, as you will probably recall, I invited the Government to make any amendment if they thought there was anything objectionable. I thought I could not very well do it, being the mover, and it could come from the other side. It was no use my going to amend my own motion after it was rejected by General Smuts. I said I could not do it, the other side could do it, and there the matter was left. Now, this was on Thursday, the 23rd February, and it was after Mr. Webber's speech, because the moment he mentioned the word "agreement" I said to myself, "I see Webber's speech must have made some impression upon you and that is why you want that amendment." Then on the 24th February, on Friday, I was coming along in the lobby—I was walking rather fast—when Mr. van Heerden saw me and suddenly approached me and got me by the arm and said, "Come here, you are the very man we want." There were standing he and Mr. van Eyssen and Mr. Fourie, and some other gentlemen were sitting at a table close by where the two lobbies from the writing room and the lobby meet. He said, "You are the very man I want," and he hurriedly just said this. Mr. Louw was standing there, a distance of about two yards away from the others, and the others were close to one another. He said, "I want you to come with us to hear what Mr. van Eyssen has to say." He said, "I had told Mr. Louw that Mr. van Eyssen had told me that the Chamber of Mines accepted your motion, and that I could declare it from the house-tops. Louw now comes and says that van Eyssen said that that is not so, and I want you, in the presence of us all, to hear what van Eyssen says." Mr. van Eyssen was standing close by and Mr. Louw was about two or three yards away. I was walking past them when Mr. van Heerden took me by the arm and said, "Come here." Evidently they were already discussing that question. I immediately felt this is not a thing to talk about there in the passage, so I said, "Come, let us go into a room." I think we first tried to get in the "Whips" room, and then went into the writing room. As we walked along Mr. van Heerden looked round and said, "No; Louw come here."

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and I looked round and saw Mr. Louw just disappear round the corner. We went into the room and one of the first things was that Mr. van Eyssen said, "I am sorry Mr. Louw has left"; then Mr. van Heerden said, "Look here, Mr. van Eyssen told me that the Chamber of Mines accepted your motion and I could declare it from the house-tops, I told that to Mr. Louw and he now comes and says, according to Mr. van Eyssen, it is not so. I asked Mr. van Eyssen specially whether I could use what he told me and he said, 'Yes; but if you do not believe me I shall send a wire to the Chamber of Mines and show you the reply,' and he said that reply has come."

933. *Mr. Beyers.*] Was all this in the presence of Mr. van Eyssen?—He was standing close by me, at my left. Mr. van Eyssen had a portfolio and had a paper—a form of the telegram—and said to me, "That is the telegram." I took the telegram and read it. The import of that telegram was, as I have stated in the House, that the mines did not want to interfere, or something of that kind, with his discretionary powers. I remember that particularly. That they wish to impress upon him that they have always adopted a non-party attitude and that they would suggest that it be left to the House to decide.

934. *Chairman.*] Did you actually yourself read it?—I read it. He put it into my hand.

935. Did it purport to come from anyone?—I did not look from whom or to whom. He simply put it into my hand as a telegram that had come in consequence of Mr. van Heerden's conversation with him.

936. *Mr. van der Riet.*] Was this the first time you saw such a document?—No; at lunch on Friday, I think, was the first time. It was on the same day. Mr. Havenga, who was sitting near to us in the hotel, came up to our table and just informed us. He said he had something, but I took no further notice of it. I think he said it was a copy of a telegram received but I took no further notice whether it was an original or what it was.

937. *Mr. Beyers.*] Was this in the afternoon?—Yes; I think I had already been in the House and had gone out somewhere and was just coming back to my place in the House. He showed it to me and then Mr. van Heerden said, "Well, you told me that the Chamber of Mines accepted the motion and I could declare it from the house-tops. This telegram does not put it in that way—that they accept it." As I have already said, I thought that the position Mr. van Eyssen had

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taken up would eventuate in unpleasantness and I did not like to have any dispute between Mr. van Eyssen and Mr. van Heerden, so I said, I had the paper in my hand, "Well, I think that the position taken up by the Chamber of Mines is fair." It differed from that of Mr. van Eyssen on previous occasions in that it might mean, "Do not show any inclination to take sides." It was prepared to accept that motion but it must be left to members of Parliament, it would rather stand outside and have a non-party attitude. When I said that I felt there was a likelihood of there being strong words between Mr. van Eyssen and Mr. van Heerden, or a dispute between them. Mr. van Eyssen turned to me and said "Yes; you know on a previous occasion I told you either that it was 'agreement should come out' or that there was some difficulty with regard to your motion." I was on the point of saying to Mr. van Eyssen, "You must not forget it was only yesterday, for the first time, you came to me with regard to that," and on Wednesday he had told Mr. van Heerden about the Chamber accepting the motion. In order not to disturb the peace, as it were, I said nothing, and thereupon I left. Well, then, that was Friday. Mr. van Eyssen had asked me that day, or the previous day, to accompany him in a drive round this new road. He had already previously said to me that when all these things are over he would like to have a nice talk with me, not about politics, and I promised that if I had the opportunity I would be glad. On Friday he suggested we should go round the mountain, and I could bring some friends. On Saturday morning Arend Brink and he came in a motor to the hotel and I, Mr. Havenga and Senator Marais went out for a drive. I told him that I would like to be back at latest by one o'clock because I had not packed and was leaving that night. So we came back at about, I think it was, shortly before one. The motor stopped on this side of the street opposite the hotel front and just as I was leaving and on the point of going round the motor, Mr. van Eyssen put into my hand this letter. It is in Dutch. The letter is dated the 25th February. That was the same day he handed it to me. (Appendix D.)

938. *Mr. van der Riet.*] Was that before or after you came back from the drive?—After we came back, just as I was leaving the motor, adding a few words not, as far as I can remember, of any import. I read this letter just as we entered the hotel, I said to Havenga—I think I read it to him—"I am going away, the debate will be over by the time I come back. I will be away a long time. In the meanwhile you may want it; take it." Then I took out of my pocket these copies which he

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had given me in the hotel on the Saturday night previously. I gave these copies of letters with this letter to Mr. Havenga.

939. *Mr. Beyers.*] You say you read the letter not in Mr. van Eyssen's presence. Did he leave then?—Yes; he left with Arend Brink by motor. We got out, went into the hotel. I read it inside and gave it to Havenga with these documents. He left immediately and did not come in. The letter is in lead pencil. I then left that Saturday night.

940. *Mr. van der Riet.*] Are you certain whether Mr. Havenga read it or not?—No; I will not say for certain. When I get a thing like that and there is a friend present I read it to him. I will not say that I did not perhaps show it to him a few minutes later and give it to him, at any rate I gave it to him. I may say that Mr. Havenga had completely forgotten all about this letter until eventually I asked him to give it to me. Then he did not know that he had it and Mrs. Havenga said there were certain papers I had given to him and amongst them was the letter. This was on Saturday. With regard to this question nothing further occurred. Van Eyssen, that night, came to the train when I was leaving but nothing further transpired with regard to this. While I was in Bloemfontein, I had seen there was something—.

941. *Mr. Beyers.*] At the train there was no further conversation about this affair at all?—No. All that Mr. van Eyssen brought me there was a mineral that I had handed him and asked him what it was. I was saying that while I was in Bloemfontein I saw something about a denial or that Mr. van Heerden had said something and it was denied, but I never took notice of it, except reading the headlines, because I was busy in court. The editor of the *Volksblad* came in response to a wire he had from *Die Burger* to ask me to state what I knew about the Chamber of Mines' attitude as ascertained from Mr. van Eyssen on the matter of my motion. I said it can do no good to state it. I am going down to Parliament one of these days and, if necessary, then I would do it, but to go and give it to the papers now was no use. I thought if I could possibly help it not to say or do anything that would be unpleasant for Mr. van Eyssen because really I had the greatest confidence in the man that he was an honest man and what he told me was the honest truth. So that I did. I then came back and in the House I ascertained what had been taking place and so on. I felt on the one hand that Mr. van Heerden had certainly not been quite fairly treated from my knowledge, but on the other hand I felt that political capital was being made out of this, so, after considering the question, I thought to myself

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I am in honour bound to say what I know of this question and nothing more. I never read the correspondence in the papers but only the head lines here and there. Then came the debate on the Second Reading. In that debate I then made a statement of what I knew. That was on the 3rd April. Amongst others I submitted that the Chamber of Mines up to a certain date, was ready to accept that motion, as I was informed. I think it is fairly correct in *Die Burger* of the 4th April, it says "Dit was die positie van de Kamer van Mynwese toe die debat twee dae aan die gang was toe kom daar verandering" (*that was the attitude of the Chamber of Mines until the debate had lasted two days, but then a change came*)." I later on tried to see whether I was correct in this and then I saw I was absolutely correct. This was after Mr. Webber had spoken. Mr. Webber spoke on Thursday. "Maar toe kom daar verandering na die toespraak van Webber" (*But then a change came after the speech of Mr. Webber*)." It was so clear when van Eyssen came to me after Webber's speech that discussion in the House must have had some influence upon him, and he was trying to amend the motion in some respect. He never on any occasion, never for a moment, did he ever at any time, or in any way, intimate to me that my motion was unacceptable.

942. *Mr. van der Riet.*] Except by his letter?—I am coming to the letter. Well I put this before the House and I think it is exactly what I said here to the Committee this morning. Now on the following morning, the 5th April, I was lying in bed and took up the *Cape Times* and saw this "A Collection of Inaccuracies. Chamber replies to General Hertzog, The Telegrams to Mr. van Eyssen. Complete and emphatic contradiction." I saw amongst others that they deny ever having sent a telegram such as Mr. van Eyssen had shown us as the telegram from them and they say they had wired "General Hertzog's motion quite impracticable and entirely unacceptable to us." I had to go to Malmesbury that morning by the 8 o'clock train to open a bazaar there but cancelled the appointment immediately and came over to the House. I saw Mr. Havenga and asked him to come with me. I said I must try and get Mr. van Eyssen immediately because I want a copy of the telegram which he had shown as a telegram from the Chamber of Mines. We came over to the House and I asked Mr. Havenga to go immediately and write a letter to him and ask for the copy, pointing out what appeared in the paper. I may say even then I firmly believed that there was a misunderstanding with regard to what was said in the paper

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and that Mr. van Eyssen had only to give a copy of the telegram to show that what I said was correct. Mr. Havenga wrote the letter and sent it by messenger with special instructions to hand it to Mr. van Eyssen personally at his hotel. The messenger came back and said he had left. I immediately asked Pullen (the chief messenger of the House of Assembly) then to see where he was and trace him. Eventually he told me he had got van Eyssen and gave me the telephone number, and he said that van Eyssen will come over in half an hour's time. I got Havenga and Petrus van Heerden and we were sitting in the "Whips" room waiting for van Eyssen's arrival. Then rather late, about 11.30, they came and told me that van Eyssen had announced himself. I went out, met him, greeted him and said "Kotie kom in." We walked into the "Whips" room I said "Jij het seker gezien wat vanoggend in de Cape Times gestaan het, dit raak mij geloofwaardigheid maar joue nog meer, ek wil hejij moet mij 'n kopie gee van die telegram wat jij ons gewijs het" (*No doubt, you've seen what appeared in this morning's Cape Times; it affects my credibility, but yours even more, and I want you to give me a copy of the telegram which you showed us*). I sat next to him and he began and spoke about this and that trying to evade giving an answer to my request for a copy, so I said "What I want from you is to give me a copy of that telegram." He said "Yes I want to say that I showed that telegram 'vertrouelik' (*confidentially*) to Mr. van Heerden," then he commenced to attack Mr. van Heerden for having broken his confidence by having repeated or made it known. Then I immediately turned and said "No excuse me, you showed me that telegram and spoke to me on various occasions but never on one single occasion did you ever give me one single impression that anything you told me or showed me was 'vertrouelik' ". Then he went on again and I said "All I want to know from you is this, can you give me a copy of this telegram, yes or no." He said No. I am not sure whether the word he used was No, but what he said was a refusal. In the meanwhile this copy of the *Times* of the 5th I had put on the table in the "Whips" room and also the letter which Mr. Havenga had written to him that morning and had been returned by the messenger, so when he said that I rose and fetched this paper and came next to him and said "look here, the Chamber of Mines says it sent this telegram, is that so?", "Yes" he said. Well, Mr. Chairman, you can well imagine what I then began to feel. I turned to him quietly and said to him "Wil jij mij laat verstaan dat jij daardie telegram gekrij

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het en dit nie aan ons gewijs nie. Wil jij ons laat verstaan instede van daar die telegram jij ons 'n ander gewijs het" (*Do you wish me to understand that you received that telegram and did not show it to us. Do you wish us to understand that instead of showing us that telegram you showed us another.* He said "Ja." I simply said "Genoeg, nou se ek vir jou dat jij mij nie weer onder die oe kom nie en ook nooit weer sal ek jou sien nie" (*Enough; now I tell you that you must never come and see me again and never again shall I see you*). I raised and took my hat and stick and he said "Nee Generaal, wag nou" (*Wait a bit, General*), and I said "Nee, genoeg" (*No, enough*). I opened the door and walked out but just before closing the door it struck me that I should not give him the opportunity of saying that I ran away and did not want to hear him, so I came back and said to him "Ek wil nie he jij moet se ek het weg geloop nie, het jij nog iets te se wat van belang is" (*I do not wish you to say that I ran away; have you anything else of importance to say*). Then he took out a letter, which was the same as this letter (Appendix "D") but in English. He put it in my hand and said "Do you recollect this" I read it and said "Yes, it is more or less correct, you gave it to me in Adderley Street." At the moment I knew it was in the street and thought it was in Adderley Street. He had been to the Waldorf Café and he was with us and I took it at the moment that he gave it to me on that occasion, but almost immediately after leaving it struck me that the letter was given to me in Plein Street on Saturday night. That is the street in which the Royal Hotel is. I said "Is this all" and I took the letter that was lying on the table that Mr. Havenga had sent by messenger and said to him this is the letter that Mr Havenga sent you, you better take it" and I handed him that letter too. Thereupon I left the room.

943. *Mr. Beyers.*] Was this letter handed to you open like this in the envelope of Mount Nelson Hotel?—This is just as it was handed open to me.

944. You told us a moment ago that on this occasion in the "Whips" room, when you asked him whether he had anything further to show, he produced an English translation of this original letter?—Yes, that appeared the following morning in the *Cape Times*. He showed me the English copy.

945. What became of that?—I handed it back to him. It was a translation of this from the Dutch.

946. He took back that translation?—I gave it back immediately. I said I thought the import of this is quite correct. I had then forgotten all about this letter and was only re-
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minded of it through what he pointed out to me. Now I wish to say this with regard to this letter of Mr. van Eyssen in the *Cape Times* of the 6th April.

947. *Mr. Jansen.*] Does his letter bear a date?—No. It says “this afternoon” so it must have been on the 5th April, I began on the 3rd and resumed on the 5th April. Mr. van Eyssen says in his letter “certain outrageous statements affecting myself were made by General Hertzog this afternoon in the House and I would like to reply to these as follows: (1) I never showed General Hertzog or any member of his party any telegram received by me from the Chamber of Mines. Now I say this and say it most emphatically if that was not a telegram which certainly and most decidedly was shown to me as purporting to be nothing else than a telegram from the Chamber of Mines in reply to a telegram sent by him to them with regard to my motion—

948. *Mr. van der Riet.*] As a copy of a telegram?—If it was not a telegram he showed it to me as a telegram from the Chamber of Mines. He did not show this to me as a copy, it might have been a copy.

949. It could not have been a telegram on a form?—He showed it as purporting to be a telegram. The size of the paper was like this (telegram pad) but so far as I remember it was not so white as this, it was a little more sandy colour.

950. Let us have this clear, when Mr. van Heerden and the others were present in the room where the letter had been given he showed you a document?—Yes.

951. I understood you to say it was on a telegraph form?—No, I said it had the shape of this, this was about the size. I do not remember if it was on a telegraph form.

952. So it could not have been an original telegram received by him from the post office?—I do not remember, it might have been a telegram form. I took it to be and I always thought it was. I am not going to say anything I do not remember well, but I remember that was the size of the paper written on and it was of a slightly brownish colour but I do not want to go and say what it was. According to Mr. van Eyssen’s contention now I will say it was not. It was shown to me as a telegram and as a telegram in answer to him from the Chamber of Mines.

953. A document received by him from the Post Office?—I took it to be; but it was unimportant, even if it had been a copy written by him; I did not attach any special attention to it. Mr. van Eyssen then goes on in his letter and he says “With reference to his motion and in reply to a telegram from me, the Chamber wired on February 24th totally dis-

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agreeing with General Hertzog's motion." It is possible the Chamber did do it, but Mr. van Eyssen never on a single occasion in the slightest intimated that there was any disinclination on the part of the Chamber of Mines to accept that motion with the exception that he came to me and asked whether I would have the word "overeenkomst" (*agreement*) erased. He goes on to say "I took the earliest opportunity of conveying to General Hertzog the purport of the Chamber's telegram in a letter dated February 25th and handed to him the same day. A translation of this letter follows." Up to the morning of the 25th February Mr. van Eyssen had stated that the Chamber of Mines was practically prepared to accept that motion if adopted by the House; it was left in the hands of the House. I put it mildly according to what he had told me apart from that letter he showed me the day before. I have the right to say what he told me was that the Chamber of Mines accepted it. Then he goes on "there appears to be a misunderstanding regarding our attitude in reference to your motion now before the House" I want to say this most emphatically between me and Mr. van Eyssen there never was much misunderstanding unless what it referred to was the point of dispute which I tried to allay the day before when Mr. van Heerden said to him that "this telegram does not put it as you have told me". He looked upon the telegram evidently as what van Eyssen had told him as being very much stronger between him and van Eyssen. He came to ask certain information regarding the motion and when he left that night on the 18th for instance he gave me the fullest impression that they were satisfied by what I had pointed out. That is apart from what he told me in the morning, that he had nothing against it. I took this to refer to the dispute between him and Mr. van Heerden. Then he goes on "I would like to make the position clear, it is no concern of ours whether the eventual Commission is appointed by way of a Select Committee or by the Government. As far as we are concerned we shall welcome the most searching investigation in connection with everything which gave rise to the strike and the continuation thereof, because we know that we have laid all the facts before the country and Parliament, and have tried to make the position of the low grade mines and the industry as clear and exact as possible." Against all that I have nothing to say, it is fully in harmony with that telegram he had just 24 hours before shown to me as coming from the Chamber of Mines. "But as appeared from our conversations, there are points

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in your motion which we certainly cannot accept." This is the first time that I am told anything with regard to certain points not acceptable. He did ask me to have the word "agreement" erased, but he certainly never indicated to me in any way it would be unacceptable. I was quite prepared if an amendment came from the other side of the House to let the word "agreement" go. He says "there are points in your motion which we certainly cannot accept." When I received this letter I said to myself I know you have changed your attitude—the Chamber of Mines. It was no longer any concern of mine, when I gave the letter to Havenga I left it to them to act if later on the amendments were raised to have these words removed.

954. But you see he speaks of "points"?—I included it at the time with the word "overeenkomst" (*agreement*), which he discussed as having erased. Then he goes on "those points which are opposed to the solution suggested by us for the salvation of the low grade mines." That point was the "agreement" I knew of no other points practically. "I trust our position is now quite clear, and if there should be any point about which you desire further information." I never on one single occasion went to Mr. van Eyssen to ask for information; it was he who every time came and asked to lay information before us. "It is not our policy to be mixed up with matters of a party political character, but to remain outside that sort of thing, because we feel that the salvation of the low grade mines concerns the whole country." Here again exactly what was also communicated by that telegram which he sent to show that non-party attitude of the Chamber of Mines. The whole letter to me when I read it contained nothing else than a confirmation practically of that telegram, very vague, further I did not see anything important in that document. He says "when General Hertzog said in the House on Monday and again to-day that the Chamber had agreed to his motion he had in his possession the above letter." Yes, I was in possession in the legal sense. Even if I had that letter before me when I spoke in Parliament, I would not have said a single word more than I did. I submit everything I said in Parliament was absolutely not only what occurred, but was all that was necessary for me to say under the circumstances. I only wish to emphasise this that when that letter was given me referring, as it does, to what passed between me and Mr. van Eyssen nothing of any material import with regard to this transpired but what I have laid before the Committee

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this morning ; that I read that letter in connection naturally with the wire or purported wire which he showed me shortly before as being an answer from the Chamber of Mines, and also in connection with his request for erasure of the word "agreement." He says "When I met him this morning, he flew into such a rage when I told him that I had received, but did not show him, the Chamber's telegram of February 24th that any further explanation or discussion was impossible." That is not so. What I told you here is actually just as it happened. Never in my life have I felt such indignation at being deceived and I certainly did show that to Mr. van Eyssen. I left the room and came back and told him that I did not want to let him think that I ran away without giving him the chance to say what he had to say. Then he put that letter into my hand. "That any further explanation or discussion was impossible. I was not obliged to show him that telegram." I do submit that Mr. van Eyssen was obliged to inform me of the correct import of that telegram. I said myself advisedly he never in one single instance did it. "I did my duty both to him and the Chamber by writing him the letter quoted above. I did not on any occasion tell General Hertzog or any of his party that his strike motion of 17th February was acceptable to the Chamber." I submit that is absolutely untrue. "I received only one telegram from the Chamber of Mines in regard to General Hertzog's motion. This telegram was received here on February 24th." Well, Mr. Chairman, I hope this was received after that meeting of the 24th in that room, "and read 'General Hertzog's motion quite impracticable and entirely unacceptable to us'." Now this letter from Mr. Steytler. "suffice it to say that I most emphatically deny that Mr. van Eyssen, at that meeting or at any other at which I was present, made any statement to that effect." I repeat this, that I put it to Mr. van Eyssen and he said "niks."

955. *Mr. Beyers.*] How many persons were present at the interview in the Royal Hotel?—There were five persons in the room. I, Mr. van Eyssen, Mr. Steytler, Mr. Fichardt and Mr. Havenga.

956. How were you sitting?—It is a small room. My bed is standing along the wall. Mr. Havenga and Mr. Fichardt were sitting on the bed. There is a little table and van Eyssen and I were sitting there. I can quite understand when Mr. Steytler says he did not hear Mr. van Eyssen's statement because on various times during that evening there was cross-questioning and cross-conversation being carried on

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between the different parties present; Mr. Havenga spoke very little. Conversation was carried on between Mr. Steytler and Mr. Fichardt and between me and Mr. van Eyssen.

957. Mr. Steytler was speaking direct to Fichardt?—On several occasions, and it is quite possible he did not hear it.

958. Did Mr. Steytler also speak to you direct that night?—As far as I am concerned he did, but practically the whole conversation was carried on between me and van Eyssen. Mr. Steytler said very little except now and again when Mr. Fichardt put a question about something.

959. There were simultaneous conversations going on?—You can imagine we were speaking for a long time and these documents began to pall afterwards. There were a number of documents and they were being read by van Eyssen. So there were just ordinary conversations practically going on. We stayed there till past 11.

960. How long did the conversation last?—We went up to my room just after dinner about 8 or 9 o'clock. We stayed there and had something to drink, etc.

961. Did Mr. van Eyssen that night also converse directly with Mr. Havenga and Mr. Fichardt?—Oh, yes.

962. Was it an alternating conversation?—Yes, it was an ordinary loose conversation. The main purport of that conversation was as I gathered later to give Mr. van Eyssen an opportunity of laying before me and my friends what had been done by the Chamber of Mines previous to the strike and during the period of the strike then going on. That is why all the correspondence was referred to with the intention I inferred later on of getting me to make a statement disapproving of the strikers striking with regard to essential services. He asked me definitely, he said he would be glad if I should make a statement disapproving of it. I said “No, I do not think that that would be fair, because you understand the position I take up is one of absolute impartiality. This motion is absolutely impartial. If I go and make a statement about that, no matter how vague it would immediately be taken as if I am already expressing an opinion where I have only heard one part as this would be to my motion too much of an *ex parte* statement,” and he agreed with me that I was right. There is just this still: On the Monday after our interview, when Mr. van Heerden asked him for the copy of the telegram which he had shown us as being a reply from the Chamber of Mines and his answer as I have related, I immediately went to my room and there I sat down and wrote down what van Eyssen had said. When

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I left the room, Mr. Havenga and Mr. van Heerden stayed on for a little while, only for a few minutes and almost immediately Havenga came in and I said to him "I want you to see if I have this correctly." He read it and said that I had put it quite correctly. Then I told him I felt upset—my hand was a bit shaky. All I wanted to say I noted down immediately on paper and went with that into the House and I read out to the House what Mr. van Eysen had said.

963. *Chairman.*] You went to the House and read that?—Yes.

964. Does that finish your evidence?—Yes.

965. In the course of your evidence, you mention incidently that you went down to the Waldorf one evening with Mr. Fichardt, Mr. van Eysen and one or two others. Can you tell us what evening that was?—I should say it was either Thursday or Friday. I know it was past 11 o'clock and as far as I remember, I think we sat that night and after the House had risen we went there.

966. I am asking you because Mr. Fichardt's recollection of it was that you had all remained in the hotel and later on gone to the Waldorf?—We walked as far as I remember from the hotel through this first street just below the hotel. I remember Mr. Fichardt speaking about this Chamber of Mines business. We first went to Cartwright's, that was full. We got to the other café and it was crowded, so they got us a seat in the corner for five or six of us.

967. *Mr. van der Riet.*] The point in that matter was this—that Mr. Fichardt said on the way to the Waldorf he spoke to you about a telegram exhibited to him and it became important to know on which evening it was. He said it was an evening that they spent the whole night in the hotel, that was his impression, he said it could not be Wednesday. He went out on Wednesday and on Saturday you left. It was pointed out to him that on Thursday and Friday both nights the House had sat?—My recollection is, I am positive it was after 11 o'clock. That I am positive both places were full because of the theatres coming out. I would place it as Friday night.

968. That is a day before the motor drive?—Yes. I do not want at all to be sure, it was either Thursday or Friday night.

969. It is highly improbable that several of you would have been away from the House all that night?—No; I am sure that when we went there the House was not sitting. What makes me feel almost sure, too, that it was after the House

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had risen, is that our friends, Pen Wessels and Havenga, inevitably go for their cup of coffee and as far as I recollect, they wanted to go and I said "Very well, I will accompany you."

970. *Mr. Davis.*] When you introduced your motion on the 21st February, am I right in saying, in the course of your speech you used some such words as these: That you claim that your motion was proposing something which neither the mines nor the miners would dare to reject, and if they did legislation would have to be passed?—I remember my words were "because the powers of legislation would not be exhausted."

971. I may say that *Die Burger* gets a little short just at that point. This is in the *Times*, not in *Die Burger*?—Yes; quite right.

972. Let me take you back—let us start from February 18th when Mr. van Eyssen came to see you. Do I understand from you and from your petition that on this occasion when he saw you first there was a definite unqualified acceptance of the motion?—On the morning of the 18th—absolutely unqualified, and the only word he used was "Niks." I asked him, "Het jy enig beswaar" (*have you any objection*) and he said "Niks" (*none at all*).

973. He was speaking as the representative or "gevolmagtigde" (*authorized agent*) of the Chamber of Mines?—Yes; he pointed out to me fully why he was sent and what he had come to do, and he was acting according to their instructions.

974. When he said there was no objection to the motion that was on behalf of the Chamber of Mines, it was not he, it was the Chamber?—I asked him "Het jy enig beswaar" and he said "Niks," and certainly took it he speaks here on behalf of the Chamber of Mines.

975. Your petition reads "Dat de gezegde heer van Eyssen mij bij die gelegenheid en ook weer later verzekerde dat daar geen bezwaar gemaakt werd van wege de Kamer van Mijnwezen tegen de aanname door dit Edelachtbaar Huis van de motie" (*That on that occasion, and subsequently also, the said Mr. van Eyssen assured me that the Chamber of Mines had no objection to the adoption by this Honourable House of the motion*)?—Yes; as representative of the Chamber of Mines.

976. You told us you had known him for a considerable period and you took what he said to you as being absolutely true?—Yes.

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977. That evening at the Royal Hotel on the 18th February, again there was this complete acceptance?—Only again he said “Niks.”

978. You took him through the thing and said “Is there any objection” and he said “Nothing”?—No; I did not take him through it. He took it from his pocket and began questioning me about certain things in it, as I take it, he wanted to be sure what it all meant. He had certain difficulties with regard to the sinecures and so on, and the discussion practically centred on the words “agreement” and “natives.”

979. *Mr. Beyers.*] You are referring to the printed motion on the Order Paper?—Yes.

980. *Mr. Davis.*] Did I understand from you correctly that you at that time took it that Mr. Steytler was also so far as he had anything to do with it in agreement?—Yes; I was under the impression that he heard it.

981. You stated in the House, on the 5th April, “Spreker vra wat het julle teen die mosie en hij het niks gese nie” (*Speaker asked what objection have you to the motion and he did not say anything*)?—Mr. Steytler was sitting by and said nothing when he heard the remark.

982. On the 21st you introduced your motion?—Yes.

983. You were extremely anxious naturally, in the interest of the whole country, that your motion should be accepted, and said you did not want to make it a party matter, you said so in the House?—Yes; I said so.

984. You made not a fighting speech but a conciliatory speech?—I kept away from anything that looked like party politics.

985. Now, I ask you this question, if your recollection is correct, as to this absolute unqualified acceptance of your motion by the Chamber of Mines, why nowhere in your speech did you indicate anything of the kind to the House?—My reason is very plain and it is this: Mr. van Eyssen, when he came to me that morning, said he had been asked by the Chamber of Mines to come down here and inform members of Parliament of all particulars, that he had then asked them whether they had approached me and they said “No,” and he said “I will go first to General Hertzog and the Opposition.” I naturally took it that what Mr. van Eyssen had said to me he also communicated to others. That was my whole position that he had communicated it to the others, and I did not wish to say anything about it as I did not ask him to make use of it.

986. Now, may I put this, that if you wanted your motion to go through more or less unanimously that the all-important
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thing from your point of view was the fact that in advance the Chamber of Mines had definitely and in an unqualified manner accepted it?—Yes; but the Chamber may accept one thing and the Government may think it advisable not to accept it. The Government supporters were as open to Mr. van Eyssen as me, and I said to myself either he had informed them or not: if he has not informed them then in the first place this is his business, and in the second place I did not feel called upon to go and say that he had said this to me.

987. The reason you give us is doubtless a good reason. But the letter, you would not make use of this because General Smuts had already shown his hand, and as you have told us it might cause trouble and unpleasantness when once General Smuts had taken up one attitude if you show Mr. van Eyssen had taken up another. But that position had not yet arisen on the 21st February when you spoke?—No; neither had I asked Mr. van Eyssen to make use of the information he gave me.

988. Was it not all important in the interests of everybody if you knew that there had been this unqualified definite acceptance if at that time you indicated that to the House and the Government?—No; I certainly would not have done so unless I had first got the explicit sanction of Mr. van Eyssen.

989. Why did you not ask him for that permission?—I told you, simply because I felt from the start that that position he was taking up was too much that of a partisan. I took it he gave the same information to the Government side as to me, but if he did not and I were to use that it would have put him in a position in which I felt I would not, as a friend, like to have him placed and immediately when one or two of my friends said would I not make use of this I said “No.”

990. That was after General Smuts had spoken?—Yes.

991. The position was different before General Smuts had spoken. If you had told the House, on the 21st February, that the representatives of the Chamber of Mines had already accepted your motion in advance the Government might have taken up a very different attitude?—They might, but if they did not. Of course those who take an active part in politics know more or less what position the Government is going to take up even before a thing like that comes on, and from what I had ascertained I had no doubt that General Smuts was not going to accept it.

992. Let me put it a stage further, is the fact that you had knowledge that the Chamber of Mines had already accepted the motion consistent even with your statement to the House

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that neither mines nor miners would dare to reject the motion and that if they did reject it legislation would have to be passed to cope with that eventuality and to provide for the working of the mines?—Yes.

993. Is it consistent if you knew that one party has already accepted the motion to speak about what will happen in case they did not?—Yes. I did not want to bring it out at all that Mr. van Eyssen had given me that assurance that the Chamber of Mines had no objection; you can see if I did General Smuts would immediately, if he was going to accept it, have said to the Chamber of Mines, “Why did not you tell me that, then I could have taken the necessary steps instead of the Opposition.” The very fact of its coming from the Opposition the Government does not like it, being afraid that the Opposition will run away with the kudos. That is a game very much played in that way. It was very clear on account of that fact that General Smuts did not accept it that he did not know what the Chamber of Mines position was.

994. I still do not quite understand this: why, to avoid any possibility of any difficulty or difference, you did not then and there either get Mr. van Eyssen’s permission to use this or get Mr. van Eyssen to communicate direct to the Chamber of Mines before the motion was ever introduced, between the 18th and 21st February?—I took Mr. van Eyssen’s word and I took it that even if I were to ask him if I could use it he would say “Yes.” But as I said, I did not want that because I felt that if I were to say that that is the position of the Chamber of Mines and Mr. van Eyssen has informed me of that fact, that sooner or later Mr. van Eyssen would be repudiated by the Chamber of Mines because with the position the Government had taken up there would immediately be friction between the Chamber and the Government, and the Chamber cannot, I take it, afford to have to deal with a Government inimical to it, with the result that they would repudiate Mr. van Eyssen, and with the result that this man, who has, from what he has told me on several occasions, been of a kind disposition towards the miners, would be ousted.

995. When did it first strike you that General Smuts and the Government would not accept your motion. Can you tell us when you had made up your own mind that the Government and General Smuts would not accept your motion?—Well, that is difficult to say, I can only say from what moment more or less I was quite sure, that is when no amendment was moved to my motion.

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996. When would they have to table that?—They could have tabled it on Monday.

997. So when by Monday, the 20th February, no amendment was tabled you were quite certain?—I felt fairly certain then, but there was a chance that they might accept it still, but when no amendment came that was immediately confirmed the following day when General Smuts said, “We are not going to have it at all.”

998. Am I right in saying when you got in first with your motion, on the 17th February, you thought it was unlikely the Government would accept it?—I hoped that they would accept it, but there is no doubt the Government would like to save itself, to save as much of its reputation or get as much kudos as it could. What I expected was that they would move some kind of amendment to my motion which would again throw the weight of honour on their side. That is the usual game.

999. When you found that there was no amendment and no probability of the Government accepting this position did it not then strike you at once that the Chamber would, no matter what Mr. van Eyssen might say, take the side of the Government on the motion?—The Chamber of Mines—Oh, yes.

1000. So, I take it, that from the 20th February you felt that no matter what Mr. van Eyssen might say that would not be the position that the Chamber of Mines would eventually take?—No; I was expecting, up to the very last, that even though General Smuts, on behalf of the Government, had rejected the motion, they would eventually, if they found out what the position of the Chamber of Mines is, say, “Well, look here, we will get somebody to move an amendment in a certain form during the course of the debate.”

1001. Let me come back, if that was so why did not you directly let the Government know that there was no real objection to your motion or to the “guts” of it on the part of the Chamber of Mines, which would have left them further to move an amendment?—If I had let that come out, and there had been a possibility of the motion being accepted, I felt absolutely sure all the chance would disappear like smoke, because you can feel at once it would be like holding a pistol to the head of the Government after General Smuts had repudiated it.

1002. I am talking of before the repudiation?—All that I can say is this, as I have said, I felt that Mr. van Eyssen said more than he ought to say and it might be putting him in a

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position where the Chamber of Mines might eventually repudiate him.

1003. On the 18th I think Mr. van Eyssen had already told you that he had been in telegraphic communication with the Chamber of Mines on the subject of your motion?—Yes ; but you see I took it that there was never any doubt that the position of the Chamber of Mines was that they were satisfied, but your Government, I felt all along, for Government reasons, would say, “ No, we are not going to accept that,” and if then your Chamber of Mines had already been put in the position of having said, “ We are in favour of it,” I felt as sure as I sit here, that there would immediately arise a conflict between your Government and your Chamber of Mines, and your Mines knowing that it was dependent always on and that it wanted the good feeling of the Government, would only hope to secure that in future by repudiating Mr. van Eyssen or by saying that Mr. van Eyssen had gone further than he ought to have gone.

1004. Just to return to one thing. Why talk of coercing the Chamber of Mines in case they did not accept the motion, when you knew that in effect they did?—You can imagine. I stood there. I did not want Parliament to know at all what Mr. van Eyssen had said, so I took it practically for my purposes that either the Government or the workers—you will see that from my speech—did not agree. I said, “ Well, if the Mines do not agree then Parliament has the necessary power to deal with it.” But I could not, and I would not, let it come out that I already had this information from Mr. van Eyssen. Therefore I argued, assuming that that was not there at all.

1005. I am right, I think, in saying that in your speech the gravamen of your charge against General Smuts was, that with full knowledge of the acceptance of the Chamber of your motion, he, nevertheless, deliberately refused . . . ?—Not quite. I said, “ I think you had the full knowledge—which I am inclined to think you had—that they would accept it, or you did not know it, and in that case it was gross negligence on your part because you should have enquired then from the Chamber of Mines, and if you had enquired you would have found that the Chamber of Mines was agreeable on that point.”

1006. From reading your speech it seems that the position was rather this : That the gravamen of your charge was—“ I have said that General Smuts knew,” and it was only when it was put by interjection that he did not know, that you said then that if that is so that he did not know that it was criminal negligence on his part not to have known?—I do not know whether it came out in that, but I am sure that my general

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line of attack was that, and I must say that I feel that if I were to take my notes that it would appear from them too that that was the line I took. Either he knew or he did not know. I remember that I did say "You knew it," and then I went on, and it might be before I went over to saying this that there was an interjection, but that was my line.

1007. We have this printed in black type in *Die Burger*, of the 4th April, "Spreker kom tot die volgende beskuldiging teen die Eerste Minister. Spreker sê dat toe die Eerste Minister op 21 Februarie geweier het om die mosie te aanvaar, hy kennis gehad het daarvan, dat sowel die Kamer van Mynwese as die Arbeiders gereed was om hulle by die mosie neer te lê en dadelik 'n end te laat kom aan die staking" (*Speaker now makes the following accusation against the Prime Minister. Speaker says that when the Prime Minister refused on the 21st February, to accept the motion he was aware that both the Chamber of Mines and the Labourers were prepared to submit to the motion and immediately to end the strike.*) Those seem to be the exact words. Then I think I am right in saying that later, when it was suggested that he did not know, that you at once said "You were criminally careless because you had the same information as anyone else"?—Pienaar was sitting behind me and Duncan interrupted him and said "The Chamber does not accept," and I said "Ask him whether they have asked because it was their duty to ask." Then again he said "The workers accept." I had a wire from a section of the workers and I said to Pienaar "Show him that the workers did accept, and therefore it is necessary for them to ascertain whether the Chamber of Mines accept or not."

1008. Am I right in saying—you have already told us—that once the Government had shown their hand that the Chamber of Mines were not ready then to say they were accepting it?—No; I do not think that necessarily follows because your Chamber of Mines might have and did take up the position that "We are going to leave the matter in the hands of Parliament. If Parliament is going to accept Hertzog's motion we are prepared to submit."

1009. After your speech that day, and after Mr. Boydell and General Smuts had spoken, you have told us that you saw Mr. van Eyssen in the lobby. He had sent you a note, and you told us he congratulated you on the tone of your whole speech. Are you quite certain that he said that if the motion was adopted the strike would be stopped in two days?—I have not the least doubt about that.

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1010. Because he is going to say that he did not say anything of the kind. Those were the concluding words of your speech?—In my speech I had used “Two days” and it struck me that he used the same term “Two days,” and I wondered whether he had heard me say “Two days” or that he had simply read it. I would never forget that. A thing like that strikes so deeply.

1011. You cannot be correct in saying you wondered whether he had heard you say that, because you knew then that he had heard you?—I wondered whether it was that I had used the term “Two days” that he emphasized it.

1012. Did any question as to whether you would be prepared to accept an amendment to your motion at all in any respect arise at any time before Webber spoke?—No.

1013. Can you tell us this—I have not the date. Do you remember Mr. Piet Grobler, the member for Rustenburg, speaking early in this debate?—I do not know when he spoke. Newspaper cuttings are kept in the office downstairs where that could be seen.

1014. Do you remember Mr. Piet Grobler making an announcement that if the Government chose to raise an amendment from the Government side that that would be taken into consideration?—I myself, in my speech, had invited the Government to make amendments, because I was not anxious to have the motion in that form, and so far as Piet Grobler is concerned I remember going to him and saying “Well, look here, ask them to make amendments, so that it can be clear from our side that we do not want to insist upon that motion.”

1015. Were not your instructions to Mr. Grobler given as the result of anything that had passed between you and Mr. van Eyssen?—The question with me was “I put this motion on the Table of the House. I know for certain that the Government will not accept it as it stands there.” You will remember that it was said that the motion could not be well understood and that it was not intelligible. So immediately I said, and I got Mr. Piet Grobler to ask them, to make amendments upon the motion. It had nothing to do with Mr. van Eyssen.

1016. I think Mr. van Eyssen will say that you had told them that you had no objection to any amendment being made and subsequently this was given out by Mr. van Eyssen?—I said to Grobler, and I think also to Pienaar, “Ask them for amendments.”

1017. Then you had this idea from the very start that you were not wedded to the terms of your motion, and that if anybody introduced an amendment that would improve it you

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would be quite prepared to accept it. Is it not very likely that you would have mentioned that fact to Mr. van Eysen?—I think that I indicated, if I did not say so explicitly, that if any of them were to move an amendment from the other side to augment my own, I would be prepared to accept that.

1018. You are speaking of the time after Webber had spoken and the question of the two words “Of overeenkomst” came out. I am speaking about right from the start. If, from the start, you always intended to accept amendments may it not be that you mentioned that fact to Mr. van Eysen?—I do not doubt that Mr. van Eysen thought that I told him that any reasonable amendment would be accepted.

1019. Can you remember this: how long after Mr. Webber spoke did this question of the words “Of overeenkomst” (or *agreement*) come up between you and Mr. van Eysen. I may say that I understand that Mr. Webber spoke on the 22nd and not on the 23rd?—No; he spoke on the 23rd. You will see that in my petition. I said my recollection was that it was on the Thursday or the Friday. I then went and got the newspaper cuttings and ascertained that Webber spoke on Thursday the 23rd. It must have been that Webber adjourned the debate the day previous.

1020. We have got it then quite clearly from you now that this request to delete the words “of overeenkomst” (or *agreement*), made after Mr. Webber’s speech on the 23rd February was the first time that Mr. van Eysen had not entirely agreed with the motion?—Yes.

1021. Let me take you back to the interview at the Royal Hotel on February 18th. Did not at that very interview Mr. van Eysen raise objections to certain things in the motion?—He did not raise objections. What he did wish was to have as it were, the motion explained to him so as to see how far the motion would leave the necessary freedom of action as to certain things which the Mines considered necessary.

1022. The question of re-employment of men and the word “retrospective” were discussed?—Yes.

1023. Also the *status quo* agreement and I think the “colour bar”?—Of any law or established custom or agreement. They always drew a distinction between the *status quo* and the colour bar.

1024. There is a distinction, of course?—A minor distinction. All I say is that the *status quo* does not cover the whole colour bar but the colour bar includes the *status quo*. The agreement referred to the *status quo*.

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1025. And "law or custom" referred to "colour bar"?
—As laid down by law and custom.

1026. Also the question of "arbeidsveld" (*sphere of employment*) was raised?—Yes, the field of labour was, because he mentioned a number of particular services which were really sinecure, and that is why I raised the words "field of employment."

1027. You said "veranderingen"?—Yes.

1028. If Mr. Fichardt said that at the conclusion of the discussion you summed up the matter by putting a number of points separately and specifically to Mr. van Eyssen—points in the motion—and that to each of them separately and specifically he said he had no objection, would that be right?—Mr. Fichardt might be a little at fault. It was quite a loose, friendly conversation that was going on. What I do remember was that for instance with regard to "arbeidsveld" they wanted to know in how far it would be free for a mine to say "this man or that man has not got work to do—therefore he must go." And then I gave him the meaning of it; that the mines had full power because in the case of sinecure there would be no "arbeidsveld" and I remember it sometimes took four, five or six minutes to look at the questions from the various points of view. I remember quite well that I did say "have you any objection to it as I have explained it to you."

1029. But not as a summary at the end?—No.

1030. Tell me this: Do I understand from you that Mr. Steytler did not take much part in the discussion unless he was asked some point in the matter?—Very little; the whole conversation was practically with Mr. van Eyssen. For a long time really the conversation was more or less between Mr. van Eyssen and myself. When it came to the Native question and I said I thought it advisable to use the word "native" and not "kleurling" because I wanted the latter excepted, then at that point Mr. Fichardt and Mr. Havenga more or less began to speak. I remember that one of the first questions that was put by Mr. Fichardt was "is it not so that you have a number of kleurlingen (*coloured people*), and do they get European wages or higher wages than the natives" and then Mr. van Eyssen began to speak, and I think that Mr. Steytler also said something. For the most part he sat quiet but he took some part in the conversation.

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1031. There was also the question of sinecures and how it was possible to give employment to everybody when a number of natives had been sent away?—Yes.

1032. If Mr. Fichardt says that throughout Mr. Steytler was talking a very great deal; that he was doing most of the talking and that he was surprised because he did not know what he had to do with it, would that be correct?—I noticed that for a considerable time there was practically a cross conversation going between Mr. van Eyssen and myself, and between Mr. Fichardt and Mr. Havenga and Mr. Steytler, the latter three sitting on the bed. I must say that it is possible that in the circumstances it did not strike me that Mr. Steytler was saying much, but so far as I am concerned I do not remember that he said very much.

1033. What is of more importance is this: If Mr. Havenga says that his recollection is that the conversation was of a purely general character and that there were no acceptances . . . ?—Let me say, in regard to “acceptances” do not for a moment think that I want to make out that there were acceptances. I never dreamt of getting acceptances from Mr. van Eyssen. I merely took what Mr. van Eyssen came and said to me—all that took place with them. After he had this talk of what the real meaning, import and tendency of this motion would be and put the different questions to me I thought “well it is possible that he has found difficulties which he did not think of when he saw me in the morning, so that I had better ask him again.” After we had discussed the points and I had given him explanations, I said “what objection have you” it was then that he said “niks” (*none at all*) and I never took it as an acceptance in the formal sense.

1034. If you never took it as an acceptance, am I correct in saying that in your speech in the House on the 3rd April you quoted this very interview as the one occasion where it was made perfectly clear to you that there was no objection?—That is not an acceptance. I want you to understand that there was nothing in the nature of an agreement between Mr. van Eyssen and myself at any time—his accepting the motion and being bound by it. It was only an expression of what was the opinion of himself and through him of the Chamber of Mines in regard to the motion.

1035. When you say in your Petition in paragraph 2. “Dat de gezegde heer van Eyssen mij bij die gelegenheid en ook weer later” (*That on that occasion, and subsequently also, the said Mr. van Eyssen . . .*), I take it “later”

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(subsequently), refers to this interview?—Yes, and to other interviews.

1036. Are you quite clear in your own mind as to what occurred that night of the 18th February at the Royal Hotel?—Quite clear. It was a long conversation and many points cropped up, but I am perfectly clear as to what I have stated

1037. Tell me this; Are you quite clear that the correspondence that you have was shown you that night?—I am quite clear that it was shown me. Let me say this I do not want to be positive that the correspondence was handed to me that night. You can see at once from the appearance of the correspondence that I had carried it in my pocket for a considerable time. It might be that it was handed to me a little later, but I say this: that Mr. van Eyssen read to us that night and gave us to read the papers I have got here—I had them in my hand. I am almost positive about that. He gave us a number of letters etc., and he told us that he was going to give us copies, and he eventually gave me these copies. I will not swear positively that I had received these letters that night.

1038. *Mr. Beyers.*] I understand you to say that you read some of these letters on the 18th February—that night?—Yes, while we were sitting there. Amongst them there was a letter from one of the Committees of the coal mines with their workers and so on.

1039. This batch of letters in hands of Counsel now, you got them either that night or subsequently?—Or shortly after.

1040. Have you read that batch of letters since?—No, I do not think so.

1041. *Mr. Davis.*] The letters that you were discussing were they in the form of the letters that I have here?—Yes, typed like that and on similar paper.

1042. They were in the form of typewritten copies of letters on flimsy paper such as shown to the Committee and they looked in all respects like these that you have shown here?—Yes.

1043. Are you quite certain that all that part did not occur on either the Tuesday or the Wednesday night?—Where?

1044. At the Royal Hotel. And if Mr. van Eyssen had a discussion with you and he produced these papers that was on quite a different night to the night of the 18th February?—I have a slight recollection that one night when I was sitting on the balcony of the Hotel Mr. van Eyssen came to me there and that we went into the big smoking room, and I think
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that on that occasion Mr. van Eyssen showed me some papers, and it might be that on that occasion he gave me these papers. But that does not take away the fact that on the night of our meeting—on the 18th February—Mr. van Eyssen had a number of papers, so far as I remember, like those you have there.

1045. I put it to you that you are confusing two interviews for this reason: When you made your speech to the House on April 3rd it is reported that you said this: “Na spreker se toespraak oor die mosie het Mnr. van Eyssen spreker gefelisiteer met sij toespraak en gese dat hij (van Eyssen) niks daarteen kon se nie” (*After speaker's speech on the motion Mr. van Eyssen congratulated him and said that he (Mr. van Eyssen) found nothing therein to object to.* That was the 21st February. And then the report goes on “Die aand of die volgende more het Mnr. van Eyssen op spreker se hotelkamer gekom met Mnr. Steytler . . .” (*That evening or the following morning Mr. van Eyssen accompanied by Mr. Steytler came to speaker's room at the hotel*)?—That was evidently wrong. I did not then consider all these points, but there can be no doubt that that was wrong.

1046. It cannot be merely misreported. Is it for that reason that when you finished you said “Mnr. Steytler het niks gese nie. Dit was die posisie van die Kamer van Mynwese toe die debat al twee dae aan die gang was” (*Mr. Steytler said nothing. This was the attitude of the Chamber of Mines after the debate had already proceeded for two days*)?—That was after Webber's speech.

1047. That was the position up to Webber's speech?—Yes.

1048. And you put this interview as being just before Webber's speech. You say “Dit was die positie van die Kamer van Mynwese toe die debat al twee dae aan die gang was”?—I thought I could show that there was no objection against my motion.

1049. The *Times* of the 4th April also says that after your speech you had received a note from Mr. van Eyssen and that he congratulated you and you state later that Mr. van Eyssen was accompanied by Mr. Steytler?—I was wrong in saying “after the 21st February.” It was before.

1050. May I point out that while you put it in your speech “after the 21st February” and you now put it to the 18th February that you were in your mind confusing the two interviews—the one of the 18th and the other afterwards?—No, I am so absolutely certain that it was the 18th February

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because when Mr. van Eyssen came to me and suggested this change in the motion I immediately said to myself "this is in consequence of Webber's speech and van Eyssen is beginning to feel what I have felt all along that his informing me that the Chamber accepted the motion is a dangerous position for him to take up." I am absolutely sure about that.

1051. *Mr. Jansen.*] The second interview at the writing room—was Steytler present?—No. The only occasion on which Mr. Steytler was present was on the night of the 18th February, that is to say, with regard to these occasion that I have mentioned. With regard to the occasion on the balcony, I do not remember Mr. Steytler being there.

1052. *Mr. Davis.*] I want to put you this question. If you are correct in saying that this correspondence was produced on the 18th February how do you account for it that neither Mr. Fichardt nor Mr. Havenga said anything about it in their evidence?—Were they asked anything about it?

1053. They were not asked as I did not know that the correspondence was supposed to have been produced?—I would not have made any mention of it, except for the reason that I had them in my pocket and I handed them over with the letter.

1054. On the very first time that you saw Mr. van Eyssen—on the 18th February—did he then and there tell you that so far as the Chamber of Mines was concerned they had no objection as to whether it was a select committee, a Government Commission or how the enquiring body was got together, that they had nothing to hide?—I always took it up that that was the position of the Chamber of Mines. Whether he told me that or not I cannot recollect.

1055. I think you told us when you read that letter to the Committee that the first paragraph practically represents the position taken up?—Yes; they said we will leave it to Parliament. It does not matter as to the kind of enquiring body.

1056. As a matter of fact that part was the most important portion of your motion—to have a select committee and not a Government Commission?—No, you will remember that my motion was to have a select committee only to do certain preliminary work and then it would cease to function, and then there was a Commission to be appointed which Commission was to go and enquire into the whole position and bring up a final and decisive report upon which the Government and Parliament could act.

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1057. *Mr. Jansen.*] Your point was that a Commission should be appointed by a select committee?—Yes. That was the only reason why I wanted a select committee—I wanted dispatch.

1058. *Mr. Davis.*] It was not just to be a Government appointed Commission?—No.

1059. And I think I am right in saying that was a very important point with you and General Smuts?—Yes.

1060. To put it practically: You did not trust a Government appointed Commission and General Smuts said that was essentially like a want of confidence in the Government?—It was not that I did not trust, but I knew that your workmen would not trust a Government appointed Commission. It would not have been satisfactory to the men.

1061. I put this to you: That throughout Mr. van Eyssen always told you that he did not care how the committee or commission was appointed. He had no interest in that matter and left it entirely to the House, but that so far as these other points were concerned—such points as the *status quo* and the colour bar and points of that kind—that those were not acceptable to them?—No; he never indicated anything else but that my motion was acceptable. Why? We pointed out and he took up the position from the start that they were points of importance. They thought, and he thought, that my motion sufficiently met any difficulty which they might have with regard to that. When Mr. van Eyssen left that evening of the 18th February he left me—and I have no doubt also Mr. Havenga and Mr. Fichardt—under the impression that any difficulty that he might have felt had been satisfactorily removed.

1062. Do you know that that portion of your motion was identical with the proposals made by the Augmented Executive of the S.A.I.F., that, as a matter of fact, all that part of your motion was identical with what had already been suggested by the S.A.I.F.?—Well, honestly, I do not know what had been suggested except vaguely. I know that they once asked for a commission. But I have not taken very much interest in what had passed, because after I came back from my farm to Bloemfontein, that was a few days before I drew up this motion. . . . I may say I drew this up the day after I arrived, and the day before I came down here. All that was practically past history to me, and I simply sat down and drafted the motion.

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1063. You did not know, except vaguely?—No ; I do remember, more or less, that a suggestion had been made for a commission.

1064. Mention was made in regard to the industrial dispute, the *status quo* agreement to remain in force, who should make recommendations as to the *status quo* agreement, the Government Board regulations, and the position of the white workers ?—It might be on the same lines.

1065. You did not know that at that time?—Except in a general way.

1066. And that those terms had actually been turned down by the Chamber of Mines?—Yes ; but my motion was a totally different thing, that, namely, here your commission was to report upon its findings and that the finding of that commission was to have retroactive force by operating in favour or against both the companies and the workmen. I cannot therefore to-day see how the Chamber of Mines could, with any degree of self respect, have come up and said we will not accept that.

1067. Were they then to take back meanwhile the thousands of men when the natives had already left?—No ; that is one of the points raised by Mr. van Eyssen, and what was my answer ? I immediately said “ That is again your ‘ arbeidsveld.’ You have, as it were, the terms upon which the men can resume work. Under this the mines will not be forced to take them back. It will only be in so far as there is scope of employment for them.”

Thursday, 11th May, 1922.

PRESENT :

Mr. BISSET (Chairman).

Mr. van der Riet.

Mr. Jansen.

Mr. Beyers.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter of the firm of Messrs. Coulter & Co., Parliamentary Agents) appeared on behalf of Mr. J. L. van Eyssen.

Mr. Henry de Villiers Steytler, examined on oath.

1068. *Chairman.*] In February of this year were you representing the Chamber of Mines in Cape Town?—Yes, together with Mr. van Eyssen.

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1069. When did you come down to Cape Town?—I arrived here on Friday, I think it was the 17th February, at the start of the session.

1070. On Saturday the 18th February you were present at a meeting in General Hertzog's room at the Royal Hotel?—Yes.

1071. There were present as well as yourself, General Hertzog, Mr. Fichardt, Mr. Havenga, and Mr. van Eysen?—Yes, that is right.

1072. Tell us first what was the nature of the discussion there that night?—General Hertzog and the others gave us an opportunity of laying certain information before them as regards the true position on the Rand and the mining industry and workmen. That was all that I was authorised to do. I got my authority from the Chamber of Mines.

1073. But from whom?—From the President, Mr. Buckle.

1074. Had you any authority from him to commit the Chamber of Mines in any way?—No, on the contrary I had instructions not to.

1075. What then were you here for?—Merely to convey and give information to the members if they wished to have information as regards the mines, that is to say any facts or figures in regard to outputs, etc., costs and wages.

1076. I think we have it that various points in connection with the motion of General Hertzog were raised that night during the discussion?—No, very little as far as the motion itself was concerned, very little was said about it. I think I chipped in by saying in a joking manner "If he had all the information very little of that motion would ever have seen the light of day," as we were leaving the room.

1077. Can you remember the points discussed there?—The question of wages cropped up. One thing that was discussed, or only just referred to, was whether the Government should appoint a Commission or Select Committee, and I think Mr. van Eysen then said, "I do not think the Chamber will care who appoints the Commission, that would not worry them, but what was worrying them is the fact that they were unable to take the men back; that seemed to be impossible." But most of the time was taken up by giving General Hertzog and the other two parties there information in regard to the mines.

1078. Was the question of the *status quo* raised?—I think it was explained to General Hertzog what it meant.

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1079. Do you remember—was a pile of correspondence between the Chamber of Mines and various other persons or bodies shown and discussed that night?—No.

1080. Are you sure?—I believe that Mr. van Eyssen offered to send them to General Hertzog, so he could not have had them there.

1081. It has been stated that various points in General Hertzog's motion were gone over and were put specifically to Mr. van Eyssen, whether he had any objection to them, and he said "No." Is that correct?—The resolution was never gone into *seriatim*.

1082. If it was not gone into *seriatim*, was the resolution put at any time to Mr. van Eyssen as a whole, and said, "Have you anything against that," and he said, "No"?—No, what did happen in regard to that is this—after we had finished talking and were going away General Hertzog said, "What do you think of the resolution?" I then said "Well, so far as that is concerned, if the people can be got to agree to it it will settle the matter." I said it jokingly. There was no serious discussion. I said if the parties can agree to it it will be all right. I did not see how as far as the Chamber was concerned they could agree; it had become an impossibility to take the men back. The resolution was not debated *seriatim*.

1083. Did you take a considerable part in the discussion?—I think Mr. van Eyssen spoke more than I did. I left him to give General Hertzog information as regards the facts that had come to his knowledge as Manager of a mine, and he explained the working and so on, and how these workmen were supposed to be working, but they never worked. That seemed to impress General Hertzog very much at the time. He said he was not going to support men that stood by and allowed kaffirs to work and they drew the pay.

1084. Did you hear anything that night or say anything that night that would have given General Hertzog the idea that the Chamber of Mines were prepared to accept the motion?—Undoubtedly not; on the contrary as far as I was concerned—and I did not hear Mr. van Eyssen say anything.

1085. At a later date do you remember any discussion between yourself and Mr. van Eyssen in regard to sending a telegram to the Chamber of Mines?—I would like to say after that I never met General Hertzog again, and that the only discussion I had was one or two remarks with Mr. Fichardt. Mr. van Eyssen was further busy with members of the House but I refrained from meeting them, except one or two, and
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on two or three occasions Mr. van Eyssen came to me to discuss this resolution.

1086. *Mr. van der Riet.*] What are you leading up to—to this telegram that was sent away? I know nothing about the telegram. Mr. van Eyssen asked my opinion about this resolution: what I thought about certain amendments.

1087. Do you know of a telegram having been sent to the Chamber of Mines?—No. I suggested Mr. van Eyssen should send a telegram to find out from the Chamber of Mines what they thought of it as he was always worrying me about the resolution to know what my opinion was.

1088. You suggested sending a telegram: what date was that?—No, I cannot say. I know only I saw a copy of the reply afterwards, but long afterwards. That telegram arrived here, I remember, on the 23rd February. I found that out since, so that if that was the reply to the telegram that Mr. van Eyssen sent it must have been sent before the 23rd February.

1089. You do not know whether he actually did send a telegram, nor can you recollect the date on which you asked him to do so, and can only judge it to be what you saw afterwards?—That is right.

1090. *Mr. Jansen.*] Was it a copy you saw afterwards?—No, I saw the original telegram afterwards. I did not see the answer at the time but only saw it since this affair.

1091. *Mr. Beyers.*] Did you see the telegram you suggested should be sent?—No, I do not know whether it was sent.

1092. *Mr. Davis.*] The answer you saw the original of, can you give us the terms of it?—Yes, to the effect that the resolution was impracticable and unacceptable.

1093. *Mr. Jansen.*] You say it was received on the 23rd?—That I do not know, it must have been according to the date. I did not see it then; Mr. van Eyssen did not show me the telegram.

1094. *Chairman.*] You say this answer was shown to you long afterwards?—Yes.

1095. What do you mean by that?—After this investigation, after it was decided to hold this investigation.

1096. Only recently?—Yes, when they were making an application for this, when the petition was filed by Mr. van Eyssen. I found out what this trouble was about and he started showing me these documents.

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1097. You remember your letter in the *Cape Times*.
The letter reads as follows :—

My attention has been drawn to a statement made by General Hertzog in the House of Assembly to the effect that I was present at a meeting at which Mr. van Eyssen made it known that the Chamber had no objection to offer to the resolution he (General Hertzog) proposed to move in the House, and that I had nothing to say ; thereby implying that I acquiesced. Without going into what actually did occur at that meeting, suffice it to say that I most emphatically deny that Mr. van Eyssen, at that meeting or at any other at which I was present, made any statement to that effect.

We both knew that the Chamber had definitely refused to take back the men on pre-strike terms, and that it could not budge from that position for economic reasons. So how could we possibly have agreed to that motion? Besides which we had no power to do so without reference to the Chamber. We were at that meeting merely, as I told the General, to give him certain information which I felt sure he was not in possession of when he drafted the resolution.

Is that correct? Yes, that it correct.

1098. *Mr van der Riet.*] At that meeting of the 18th February could Mr. van Eyssen have made that statement and your attention had been diverted and so you did not hear it?—Not unless it was as we were going out.

1099. Not in the room?—In the room Mr. van Eyssen sat on the right of me, Mr. Fichardt and Mr. Havenga sat on the bed, so he had to speak across me.

1100. Was there any such cross conversation that you could have failed to hear him make the said statement?—I hardly think so unless it was a very short statement.

1101. I think General Hertzog stated the clauses were put point for point and he said he asked whether Mr. van Eyssen had any objection to the motion and he said “ niks ”?—His reply was “ niks ”? That is a very short reply.

1102. I think it was put this way, when General Hertzog said “ watter beswaar het jij hier teen ” (*what objection have you to this*), he then said “ niks ” (*none at all*)?—That might have been his own opinion but it certainly was not the Chamber's. I must say I did not hear it. He might have said it ; it might have been as we were going out. That was the first time to my recollection that General Hertzog started on this resolution, as we were all getting up to go out he said “ what do you think of it.”

1103. On that night General Hertzog went through the printed motion and certain points were made about natives and so on. I want to know whether there was such a general conversation, you could be talking to the other people, and not have heard things like that happen?—I was talking to.
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Mr. Havenga and more to Mr. Fichardt and Mr. van Eyssen was talking to General Hertzog.

1104. *Mr. Beyers.*] Was the conversation pretty desultory?—We were all chipping in, it was because of this we never had any debate on the resolution. One or two little points were raised in regard to the *status quo* and in regard to making the wages retrospective. I remarked “how are you going to get the men to pay back any commission if they have been paid too much, you will never get the money back from the miners.”

1105. Of your own knowledge do you know what Mr. van Eyssen’s instructions were or what his powers were?—I have seen the letters to him, yes.

1106. He has his instructions in writing?—Yes.

1107. *Mr. Jansen.*] Did you have any instructions in writing?—Yes, my instructions were to conclude nothing definite to bind the Chamber, and not to take sides.

1108. *Mr. Beyers.*] Who sought this interview, General Hertzog or Mr. van Eyssen or you?—When I arrived here on Friday my instructions were from the Chamber of Mines that Mr. van Eyssen would meet me here in Cape Town with certain documents.

1109. What Friday?—The Friday previous to the Saturday we met—on the 17th February. Mr. van Eyssen met me on Friday afternoon and informed me that he had a talk with General Hertzog, and so I said “what about it,” and he said “I am going to meet him again with certain other members of his party.” I said “look here, I think it desirable that I be present.” I did not quite know what was going on and wanted to know exactly what was going to be done. He said “I have arranged to meet them at 8 o’clock at the Royal Hotel,” we will go and dine there together to-night.” That was the night of the 18th February.

1110. Did you not know—answer crisply—whether this interview was desired by General Hertzog or Mr. van Eyssen, or by you and Mr. van Eyssen?—I was naturally anxious to meet the General.

1111. Had you seen this motion before that?—Yes, I think I had seen it.

1112. You knew about the motion?—Yes, I think I saw it advertised.

1113. I daresay it was in the papers because the House opened on Friday?—I did not see the actual resolution; I saw he was bringing on a resolution.

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1114. You did not see the actual resolution, was it not published in the papers on Saturday morning?—I do not remember that.

1115. It is quite clear from your evidence you did know about the terms?—That Saturday night, yes.

1116. What was your object in going with Mr. van Eyssen to General Hertzog?—I explained before. I came there to tell General Hertzog that we were there to give him information. I said I have been instructed to give information to any members who wish to gain any facts with regard to the mining industry. We were in to discuss that without touching the resolution.

1117. It would be natural for you to discuss the resolution?—Oh yes.

1118. Because it was inseparable from this whole business?—I did not imagine I was going to get General Hertzog to alter his resolution, I did not come with that intention. It was only referred to but not discussed *seriatim* to my knowledge. It was not gone through item for item.

1119. Was the question of sinecures raised. The conversation was mostly with Mr. van Eyssen. I presume that is so?—I was very much struck with the fact he spoke mostly in English. He spoke enough to me; I cannot say he spoke more to Mr. van Eyssen. Mr. van Eyssen spoke to the whole lot.

1120. I understood you to say he carried on most of the conversation?—Yes, as regards working of the Mines.

1121. General Hertzog was speaking mostly to Mr. van Eyssen, more than to you?—I should think so.

1122. General Hertzog says he suggested in answer to a difficulty raised by Mr. van Eyssen that he did not want any sinecures, if the men were redundant and there was no work for them he did not want to impose them upon the Chamber?—Clearly, yes.

1123. And he referred to the word “arbeidsveld” (*sphere of employment*) in the resolution?—Undoubtedly he said it was a very practical “arbeidsveld” (*sphere of employment*).

1124. And there was the question of “naturelle” (*natives*) and “kleurlingen” (*coloured people*)?—Yes, much was not said about it. I think I said “what about coloured men, the Cape boy, those are the men they object to most,” and General Hertzog said “I put coloured men on the same footing as white men.”

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1125. Did he mention segregation in connection with it, with the word "naturelle" (*natives*)?—Yes, there was some discussion about natives.

1126. You say the conversation was general?—Yes, very general.

1127. You would speak to one and then to another and so on?—Yes. The object was to give information. I was not there to bind the Chamber of Mines in any way. I like to say if I had heard Mr. van Eyssen agree on behalf of the Chamber of Mines I would have stepped in and objected because he had no power in my opinion.

1128. How do you mean, in agreeing in what sense?—If he said the Chamber of Mines would agree to this.

1129. *Mr. Jansen.*] I see Mr. Havenga says in regard to that interview (question No. 26 quoted). It must be *bona fide*. Do you remember that?—Yes I do remember something about that.

1130. The point is this that Mr. Havenga said that from the conversation that took place he came under the impression that there was no real difficulty that could not be arranged as between the Chamber of Mines?—As regards the men perhaps: what about the *status quo* agreement? I will refer you to a statement in the papers which I sent to the papers with Mr. van Eyssen after this meeting in which it made it perfectly clear that the Chamber of Mines could not agree to it.

1131. What statement do you refer to?—I think that appeared on Monday or Tuesday.

1132. In what paper?—In the *Cape Times*.

1133. *Mr. Davis.*] Is that headed "Case for the gold mines"?—Yes, that is on the 22nd February, 1922.

1134. *Chairman.*] What does that purport to be?—It is an article on the gold mines put in by Mr. van Eyssen and myself. We caused that to be published.

1135. You do not indicate from whom it came?—No. I only refer to this to support my contention.

1136. *Mr. van der Riet.*] Did you refer the meeting to that?—No it was put in after the meeting. It is about the colour bar and the *status quo* agreement.

1137. *Mr. Beyers.*] At this conversation at the hotel on the 18th February was there any discussion as to retrospectivity?—Yes, of wages only, I think I said that I remarked, the difficulty is to get the money back from the employees if they have been paid too much.

1138. *Chairman.*] Did you at any time see a telegram or

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copy of a telegram purporting to come from the Chamber of Mines to Mr. van Eyssen in the following terms, more or less: "while not wishing to interfere with your discretionary powers, would impress upon you desirability of preserving our non-party attitude, consider it advisable leave matter to all the honourable members of the House." Did you see any telegram of that character?—No. no telegram or document.

1139. Do you know of any telegram of that character having been received in Cape Town by Mr. van Eyssen?—No.

1140. Or by anybody else?—No.

1141. That is in substance?—No such telegram or copy of telegram or document was ever shown to me by Mr. van Eyssen.

1142. Or ever seen by you at any time or anywhere?—No.

1143. Do you know of any such document in these terms having been received by anybody else here?—No.

1144. Did you ever know anything about a document in these terms?—No except the reference that was made here.

1145. Naturally the question arises whether such a telegram had been sent?—Yes.

1146. Was your authority from the Chamber of Mines similar in character to the authority given to Mr. van Eyssen?—Yes. I should think it was from telegrams he showed me. I do not know what his direct instructions were. What I know is this that I received a letter telling me that Mr. van Eyssen would meet me and hand me certain documents. That was by telegram, and I got a letter confirming the telegram and giving me instructions.

1147. Were you acting independently of Mr. van Eyssen or were you to act in co-operation?—I understood from the outset that I had to act in co-operation, but we only co-operated for the first two or three days, and afterwards he came to see me once or twice about the matter.

1148. Up to when would that be?—Till after the resolution had been thrown out I think, after Parliament had discussed the resolution; of course I saw him very often afterwards, but there was no further discussion about the matter. We acted together until about the 24th.

1149. Were you acting in co-operation up to the time that the question of the sending of this telegram was discussed?—Yes, he came to see me very often and I said to him afterwards "send a telegram and find out for yourself, you know my opinion about it."

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1150. With regard to this conversation on the 18th, that Saturday night, I want to be clear about this, while General Hertzog was discussing the matter with Mr. van Eyssen, might you have been carrying on a conversation with Mr. Fichardt or with Mr. Havenga or with both?—Yes.

1151. There might have been these two independent conversations going on simultaneously?—Yes I know of one particular one with Mr. Havenga.

1152. About how long did this last?—We started at about 8.30 and went on until after 11 o'clock.

1153. In the course of that discussion did you hear General Hertzog explain points in his resolution to Mr. van Eyssen?—Oh yes, there were certain things discussed, but not to have an alteration to the resolution.

1154. Were possible difficulties in this resolution discussed at this meeting?—Yes, as regards the wages for instance and taking the men back and the colour bar.

1155. And the meaning of “naturelle” (*Natives*), the distinction between them and the coloured people?—I raised that question.

1156. And “arbeids veld”?—Yes General Hertzog made a long statement about “naturelle” (*natives*) and about preserving the “arbeids veld” (*sphere of employment*) and so on. He made a long discussion about everything, but we were not discussing the different points of the resolution, not within view of getting it altered.

1157. Did you hear Mr. van Eyssen endeavour to ascertain from General Hertzog how he would meet possible difficulties arising out of this resolution?—It was only in regard to taking back the men, he said something about the mines being flooded and they could not possibly take them all back. I think we were all agreed on that.

1158. Mr Havenga was asked this (quotes questions Nos. 26 and 27) and after giving an account of what had taken place he says he got the impression that General Hertzog to a great extent met the difficulties. The point I want to get from you is this, was Mr. van Eyssen endeavouring to get General Hertzog to meet difficulties with regard to his resolution during the course of that discussion. Did you get that impression?—I could not say what his idea was, I did not get that impression from his talk.

1159. General Hertzog said this yesterday with regard to this interview, after dealing with the various points “So we went on for some time and discussed various things all about the same point practically, revolving about the same

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centre. Seeing that we had discussed the matter for such a time and his pointing out these things I thought that probably since yesterday he changed his mind and had some objection against it. I then said 'maar watter beswaar het jij teen die ding' (*what objection have you to it*) and he said "niks" (*none at all*). I see Mr. Steytler denies that. If he says so he could not have heard it, there was a lot of cross talk and I can understand his not hearing it?" I say I did not hear it.

1169. Is it possible in the course of the talk going on such a question was asked?—Such a short question and answer might have been put, but I am very doubtful all the same.

1161. "When I asked whether he had any objection he said 'niks' (*none at all*), and the result was that we left and he gave me these papers just before leaving." Might he have given some papers to General Hertzog?—That might have happened, he also promised to send him some, he said he had certain documents he could hand him, correspondence that took place with the Federation.

1162. Mr. Beyers.] Were there various letters referred to at the meeting that night?—No.

1163. Mr. Davis.] You remember the day when General Hertzog introduced his motion?—Yes.

1164. Did you hear them, Boydell and General Smuts, speak?—Yes.

1165. Did Mr. van Eyssen hear them all through, were you two together, do you know?—I think he was with me.

1166. All the time?—That I cannot say, I was not watching him all the time.

1167. The other question is this, you say you saw Mr. van Eyssen's instructions in writing from the Chamber of Mines?—I saw telegrams and so on to Mr. van Eyssen which showed me more or less what the feeling was of the Chamber. There was no definite letter of instructions to him. I do not think I meant to convey that.

1168. Mr. Beyers.] I formed the impression that Mr. van Eyssen was armed with written instructions?—I did not intend to convey that there was an actual letter. I saw telegrams which came and what his instructions were.

1169. Chairman.] You say you discussed the question of sending a telegram to the Chamber of Mines to get a definite statement as to its attitude and you did not see the reply until recently?—Yes.

1170. Do you know why the reply was not shown to you?—No.

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1171. When you did see that reply were you not very surprised it was not shown to you?—Yes. I told Mr. van Eyssen too.

1172. Is that not a remarkable thing?—I think it coincides with my opinion and that is why I suppose he did not show it to me, but I was surprised.

1173. *Mr. van der Riet.*] Your explanation is, it may not have been shown because it agreed with your opinion?—Yes.

Examination of *General the Hon. J. B. M. Hertzog, M.L.A.*, resumed.

1174. (Witness states) Before we commence I would like to make a slight alteration in part of my evidence. I have thought over the matter. My attention was drawn by Mr. Davis to the letters which were shown on the evening of the 18th February, and after my attention was drawn to the second occasion I cannot now say whether what was shown on the first occasion were these copies or not. I am rather confused about which papers were read at the second meeting.

1175. *Mr. van der Riet.*] Mr. Steytler tells us he does not remember any letters on the evening of the 18th February?—I am firmly convinced that letters were shown, but I cannot differentiate between the two occasions.

1176. *Mr. Beyers.*] Mr. Steytler said decidedly “no”, they were neither produced nor discussed on the evening of the 18th February?—Then I must say it is possible, I will not contradict that. I have been thinking ever since yesterday what was read on the first and what on the second occasion but I cannot very well distinguish. Probably what was shown to me by Mr. van Eyssen on the second occasion was transferred by me to the 18th February.

1177. *Mr. Davis.*] Your room at the hotel is a very small one?—Fairly small, the ordinary size hotel single bedroom.

1178. I am not sure whether I put this to you right the last time. When Mr. van Eyssen told you that the Chamber of Mines would have no objection to the Commission so appointed was that on the evening of the 18th February sometime during the discussion?—I do not recollect.

1179. He might have done it?—Yes.

1180. Mr. Steytler has told us this morning that as the meeting was breaking up you said, I think, to him “well what do you think of my motion”?—No.

1181. If Mr. Steytler says that as the meeting broke up you said “well, what do you think of my motion” and that he laughingly answered “well, if you can get both parties to

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agree it will be alright, but how on earth the Chamber of Mines are going to agree I do not see"—No. I never asked Mr. Steytler anything what he thought of my motion. He made no such remark to me.

1182. During the course of the discussion Mr. Steytler said to you "well General, if you had all this information perhaps you would not have introduced this motion"—No, nothing of the kind.

1183. You say it was Mr. van Eyssen who was so keen on there being such a meeting?—Yes, and I told you he was so keen from the very first day when he came to me and said he wanted to meet me and my friends. I told him that really I had only limited time and had to go away next Saturday and could hardly afford it. He said he wanted to give information and I said I do not think that I required information, and then he asked me again and I said I had an engagement to go to Stellenbosch but I could give that up if he wants to meet me.

1184. Was it not rather you who were so keen on the meeting, Mr. van Eyssen will say so?—No I did not want any information, as I said I had nothing to do with evidence at all. I said I wanted to leave that totally in the hands of the Commission which under my motion would be appointed.

1185. When you had this talk with Mr. van Eyssen, after Mr. Webber had spoken, about the "overeenkomst" (*agreement*), were you not interrupted; did that talk ever finish; were you not called away?—My recollection is this. that Mr. van Eyssen first approached me and asked me whether I could not see my way clear to have the word "overeenkomst" (*agreement*) taken out. I said to him "I will think about it," and I left him, and then I thought about it and immediately said to myself "No, if the others are inclined to accept the motion let them move, besides for myself to go and amend my own motion would not be advisable." So shortly after, I cannot say how long, Mr. van Eyssen came again to me and then I said to him, "No, I have thought over the matter. I cannot do it, but if from the opposite side they were to do it it is all right."

1186. There was no question of your being interrupted?—All that I recollect at this moment was that I told him I would see. I am not sure whether I did not go to my room and there tried to formulate something and then it struck me "No, don't."

1187. What impression did this interview with Mr. van Eyssen leave on your mind prior to Mr. Webber's speech. Did they give you the idea that the Chamber of Mines was

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prepared to agree in advance to the motion or that they would submit to the motion if passed?—Up to that moment I took it at what he said; he said, on their behalf that they had no objection to the motion.

1188. There is a big difference between accepting the motion in advance and merely submitting to it after it is passed?—Not to my mind. I felt the position Mr. van Eyssen took up was too much throwing the weight of the Chamber of Mines with me and my party.

1189. When was the correspondence between the Chamber of Mines and the Federation eventually handed to you?—I do not know whether it was the Federation.

1190. Or the Victoria Falls Power Co.?—Yes, that was one of them.

1191. Was that the same night as you went to the Waldorf? Mr. van Eyssen will say it was the same evening?—No, I cannot.

1192. It may have been?—It may have been. My recollection is that it was Thursday, just towards the end of the week—Thursday or Friday, shortly before I left.

1193. Mr. Pen Wessels says that Mr. van Eyssen came to the Royal Hotel shortly after dinner on the night of the Waldorf, they were sitting on the balcony and he went and had a long discussion with you, and that later you all went off to the Waldorf, might that be correct?—I really do not know, all that I know about that is that we went from the hotel. I lagged behind, and then I came and found Mr. van Eyssen and some of the others below. Then we went to the street where Isaacs is, and all I feel fairly sure about in addition to this is that the place was crowded when we got to Cartwright's and then we went to the Waldorf, and it was crowded there, and Mr. van Eyssen said "wait" and a lady came and gave us a place in the corner. It was very late, I am positive it must have been past 11 o'clock.

1194. If Mr. Wessels and Mr. Fichardt say they do not think that you left the hotel that evening prior to going to the Waldorf?—No, I really do not know.

1195. Coming to the Louw interview, would it be correct to say that you all arrived at the table at the same time, that is that you and Mr. van Eyssen and Mr. Louw all came up to the table at the same time?—No, it is not so. I may tell you at once that there are reasons why my memory is clear. I have not spoken to Mr. Louw probably for a year or more, we simply are somewhat strangers to one another, so that if Mr. Louw did come there I would have recollected

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it very well, but that very fact when I came there it struck me that Mr. Louw was standing there and that Mr. van Heerden caught me by my arm and said "come up" and I immediately noticed Mr. Louw was moving more aloof, and as we went along he disappeared round the corner. I am absolutely sure I was coming along the corridor and Mr. van Heerden said "You are just the man we want." The others were standing and one was seated on a chair by the table. Mr. van Eyssen, Mr. Fourie and Mr. van Heerden were standing there.

1196. When you arrived there and then in the lobby was Mr. van Eyssen tackled by Mr. van Heerden, who said "Look here, you have told one thing to Mr. Louw, what did you tell me"?—No, what he said was this; shortly in a few words he simply said this in the lobby, he said to me "I want you to come and hear Mr. van Eyssen has told me that the Chamber of Mines accepts your motion, and that I can declare it from the housetops, now Mr. Louw comes and he says that Mr. van Eyssen told him that it is not so, I want you to be present and hear what Mr. van Eyssen says." Then we went into a room and there Mr. van Heerden repeated the whole tale and a little more. Mr. Fourie, Mr. van Eyssen, Mr. van Heerden and myself were standing close together.

1197. *Mr. Beyers.*] In what room did you go?—My recollection is we went first to the Whips' Room, it was occupied, and then we then went to the writing room.

1198. *Mr. van der Riet.*] Are you sure of the time?—In the afternoon.

1199. Mr. van Heerden said it was in the morning about 12?—No, I am almost sure I came along the lobby in order to go into the House. I am almost sure it was in the afternoon, but I may be out.

1200. *Mr. Jansen.*] Do you recollect whether you went into the House afterwards or not?—No, I really could not say.

1201. *Mr. Davis.*] It might have been the evening?—No, it was not in the evening.

1202. When you had this interview afterwards, were you and Mr. Fourie, Mr. van Eyssen and Mr. van Heerden in the room all together all the time?—Yes.

1203. You were all standing in a bunch?—Yes.

1204. When you say in your petition that he showed you a telegram "binnen deze Gebouwen, en in bijzijn van twee andere edele leden van dit Huis, een telegram, of wat hij

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voorgaf een telegram te zijn, toonde " (showed me within these buildings, and in the presence of two other honourable members a telegram or what he pretended to be a telegram). This was after the Louw interview?—Yes.

1205. And the two honourable members in whose presence he showed this telegram were Mr. Fourie and Mr. van Heerden?—Yes.

1206. This telegram he then showed you, you say was on brownish paper?—I am not going to swear positively, but to my recollection it was a piece of paper the shape of a telegram form and it was slightly brownish, a dirty brownish tint.

1207. Was it this sort of thing (showing an original typed telegram)?—Yes.

1208. *Mr. van der Riet.*] Had it the contents on tape?—No, to my recollection I would say no.

1209. It was not typed on tape like that?—Not to my recollection. The whole thing was Mr. van Eyssen sat next to me and said "here is a telegram" and put it into my hand.

1210. If it was on that typed tape then it could hardly have been a written copy, it must have been the original?—To my recollection it was written in hand writing, in indelible pencil. It might have been diluted ink.

1211. *Mr. Davis.*] More like that (shows manuscript copy of a telegram)?—It was a form that commenced a little higher up than that.

1212. You know Mr. van Eyssen's handwriting?—No except this letter, that is the first time I remember having seen his handwriting.

1213. *Mr. van der Riet.*] At that time you did not know his handwriting?—No, it certainly was not that hand writing (Appendix D). That I take it was written specially for clearness.

1214. This telegram he showed you was, he told you, an answer to a telegram he had sent?—That he had sent to the Chamber of Mines.

1215. Had that telegram been sent in your presence?—No I know nothing about it, he did not show that. Mr. van Heerden said that he had sent it and that he had got a reply, and as he said he had got a reply, Mr. van Eyssen handed it to me like that (indicates). I was standing next to him.

1216. Can you explain this, on the 3rd April, according to the report in *Die Burger*, you are reported as having said "Mr. van Heerden het toe in spreker se bysyn 'n telegram opgestel aan die Kamer van Mynwese? (*Mr. van Heerden*

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thereupon in the presence of speaker drafted a telegram to the Chamber of Mines.)?—No that is absolutely wrong.

1217. The *Times* does not put it that way?—No that is wrong, I could never have said that.

1218. In addition you say the telegram was sent?—As I said there that is what van Heerden said in the presence of van Eyssen.

1219. It was a telegram sent to find out whether the Chamber of Mines would accept the motion?—Yes what their position was with regard to the motion.

1220. In the same passage in *Die Burger*, this is another mistake which is not repeated in the *Times*, it makes you say “ ‘n telegram opgestel aan die Kamer van Mynwese om te vra of hij volmag het om te handel ”? (*drafted a telegram to the Chamber of Mines to ask whether he had any authority to act.*)?—No that is wrong.

1221. Mr. van Heerden says that the only persons he knows of who saw the original or what purported to be the original telegram were Mr. Steinmeyer and perhaps Mr. Rompel. Can you explain that if it was shown to you in Mr. van Heerden's presence?—I do not for a moment say that I saw the original; that Mr. van Eyssen told me was the original.

1222. Which you at the time took to be the original?—Which I read, which I took to be the original. You must understand this I never dreamt there would be any dispute as to the attitude of the Chamber of Mines, as to Mr. van Eyssen's *bona fides* I never for a moment dreamt it would be called into question.

1223. That naturally in your frame of mind the telegram looked genuine, you took it to be an ordinary genuine telegram?—Quite so, that is the whole position.

1224. If Mr. van Heerden has not told us anything about anything being shown to you on that occasion whether the original or a copy or anything of the kind, any document being shown to you, must he have seen it?—Yes it will be absolutely wrong. I may say again here that I read it and Mr. van Heerden was rather finding fault with the telegram as it was and what Mr. van Eyssen had said to him, that Mr. van Eyssen had said more emphatically that the Chamber had accepted and he said “you said that I could publish it from the housetops.” then I immediately gave this back to Mr. van Eyssen and said to him “ek dink dat die telegram van die Kamer van Mynwese is billik” (*I think this telegram from the Chamber of Mines is fair*): I said it because I wanted to put a stop to any altercation: or rather I said “die posiesie [S.C. 4—'22.]

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wat die Kamer van Mynwese hier opneem is billik" (*the attitude which the Chamber of Mines is adopting is fair*).

1225. I think it is quite clear that Mr. van Heerden never mentioned to us that the document had been shown to you on that occasion. Did he see it?—To my mind he must have seen it. Of course we were all standing practically in a small ring, if I am not mistaken there was something like a chair or the side of a table between us.

1226. Can you say whether the document was put into his possession?—No, Mr. van Eyssen stood next to me and Mr. Fourie, and Mr. van Heerden in front of me. As Mr. van Heerden started this altercation as to what he (van Eyssen) said, he (van Heerden) said "he sent a wire and received a wire," and as he then said that van Eyssen without saying a word simply handed to me this wire and I read it and passed it on to him again.

1227. And whether Mr. van Heerden knew it was a telegram or purported to be a telegram and saw you read its contents?—I never had the least doubt. You never really know what a man sees.

1228. I specifically put to Mr. van Heerden to my recollection whether in your petition the document you say was shown you and other members of the House could have been the document he had received and he said no?—No, I think he is right.

1229. If the document had actually been shown to him and your petition says it was shown to him I cannot understand his not remembering it was shown there and giving us that information?—No, I am perfectly clear with regard to that other document.

1230. That could not have been shown to you because he tore it up?—No, what happened was this. Mr. Havenga who was staying at the same hotel I remember came over from his table, he was not sitting far away; we were just about finishing lunch when he came over and told us privately about a reply having been received and I have a recollection that the document he had in his hand—I did not take it—was something on a white bit of paper, it was not the same as that shown to me that afternoon.

1231. *Mr. Jansen.*] Was the wording the same?—I do not think I ever read it, I am almost sure I did not.

1232. *Mr. van der Riet.*] I am clear Mr. Havenga told us he had drawn your attention to this telegram, but that was not shown to you by Mr. van Eyssen. You say you were shown a telegram, not a copy, therefore Mr. van Heerden must

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be referring to another piece of paper because what he got never left his possession after he got it?—I have no doubt it was.

1233. Your petition says Mr. van Eyssen on another occasion had shown you a document which you took to be a telegram?—Yes.

1234. Now it transpires that one of the two members you mention is Mr. van Heerden himself, your petition says it was shown to Mr. van Heerden, it is remarkable that his attention being drawn to it specifically he never said it was shown to him at that meeting?—Mr. van Heerden said that when he came into that room “I went to him and he said he will write a telegram to the Chamber of Mines and show you the reply and the reply has come” and he said Mr. van Eyssen handed him that document; in fact the whole thing was he was going to confront Mr. Louw with that telegram of what Mr. van Eyssen had said.

1235. *Mr. Davis.*] Coming back to this document shown to you or spoken about to you by Mr. Havenga; can you remember was that at lunch on the same day as the “Louw” incident?—No, I will not be able to tell you that.

1236. Can you tell us this, was the talk with Mr. van Eyssen about the word “ooreenkomst” (*agreement*) on the same day?—I know this that when Mr. Bodenstein met me in the lobby I had no information, nothing about the telegram yet. That was on Wednesday.

1237. You would not be able to say it was the same day as the “overeenkomst” (*agreement*) discussion either?—No, when the “overeenkomst” (*agreement*) was discussed there was no talk yet of the telegram having been received.

1238. May it have been later the same day?—No, it could not have been because I saw Mr. Havenga before our meeting. When Havenga told me about that wire that was after the “agreement” had been broached by Mr. van Eyssen. Mr. Havenga spoke to me at lunch time and the broaching of “agreement” was after Mr. Webber’s speech on Thursday or Friday. Mr. Webber concluded in the afternoon.

1239. *Mr. van der Riet.*] What day do you think Mr. Havenga showed you the telegram at lunch time?—It could not have been Thursday the 23rd February because Mr. Webber finished his speech on Thursday afternoon and it was after Mr. Webber had finished his speech that Mr. van Eyssen came to see me about erasing “overeenkomst” (*agreement*), and when he came to ask me there had been no talk yet of the telegram having been received from the Chamber of Mines, and that,

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having been shown by Mr. Havenga at lunch time, must have been the following day.

1240. Mr. Havenga's evidence is clear it was on Thursday?—No, he must be out. What I am fixing it by is that I am absolutely sure it was after Mr. Webber's speech in the House that Mr. van Eyssen came to ask me about "overeenkomst" (*agreement*). I am positive it was not the 23rd, it must have been the 24th, I am absolutely certain that the question of "overeenkomst" (*agreement*) was raised after Mr. Webber's speech, because as I have said immediately he came and spoke to me about that, I thought Mr. Webber's speech must have had that effect.

1241. Mr. Davis.] When you framed your petition you were not at all sure whether it was the 23rd or the 24th February?—I was going to look up still when Mr. Webber had spoken, later on I looked, and found that he spoke on Thursday the 23rd February.

1242. In paragraph 3 of the petition you definitely fix your conversation with Mr. van Eyssen on the subject of the "overeenkomst" (*agreement*) on the 23rd February, you said "omtrent Donderdag 23 Februarie" (*about Thursday, 23rd February*), perhaps I should not call it definitely, you use the word "omtrent" (*about*)?—Yes.

1243. In the next paragraph you say "op Vrijdag middag de 24ste Februarie—of Donderdag 23 Februarie"?—Yes.

1244. At that time you were not even clear it was the same day?—That is so.

1245. Mr. Beyers.] Do I now understand you are positive it was after Mr. Webber's speech?—About that telegram, absolutely positive.

1246. Mr. van der Riet.] If it was shown to you at lunch time on the 24th, that is Friday, the conversation that took place immediately afterwards, and the same telegram was shown to you again?—Yes.

1247. So you knew when Mr. van Eyssen showed you that document that this had been received and handed to Mr. Havenga?—I already knew what transpired between Mr. van Eyssen and Mr. Havenga.

1248. Mr. Beyers.] Did I not understand you to say that Mr. Havenga had mentioned something about the telegram at the Royal Hotel at lunch?—That is what I mean.

1249. You further state you are under the impression you had not seen what he had, he may have had a paper?—As far as I remember he just had it in his hand.

1250. Mr. van der Riet.] He says he showed it to you?—I do not think so, I do not recollect that he showed it to me;

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by "showing" I mean that he put it in my hand, I have no recollection about that.

1251. Did you discuss as to what the meaning of it was at lunch?—No, that time, I do not think so.

1252. You said he came over and told "us" about it. who was "us"?—There was Senator Marais and I would assume that Senator Brebner was there; we three usually sit at the table there; I almost think he was there.

1253. Mr. Havenga says this in question 16 (*quotes*)?—No, all that I know about that telegram is the only occasion was at that table. If he said he discussed it he would be correct, I remember for instance he said they may put another interpretation upon that telegram. It was at the table he came and showed it, he said he had just received it. He rose from his table when he was finished and came and sat there and informed us of this and then left to go up to Mr. van Heerden.

1254. He did not show it to you after that occasion?—After that he went to give it to Mr. van Heerden.

1255. *Mr. Jansen.*] If Mr. van Eyssen had raised the question of the "agreement" what would have been the necessity of having this meeting with Mr. van Eyssen and Mr. van Heerden and yourself in the writing room?—That meeting really was only because Mr. Louw had practically said that Mr. van Heerden had told him an untruth and he wanted to confront Mr. van Eyssen with Mr. Louw. but then Mr. Louw left.

1256. It had no bearing on the question at that time at all?—He wanted merely to convince Mr. Louw that Mr. van Eyssen had said this and was maintaining it still. Let me put it again. "Overeenkomst" (*agreement*) was raised after Mr. Webber's speech on Thursday afternoon, so that question must have been raised on Thursday afternoon, or later. The copy of the telegram shown by Mr. Havenga was at lunch time and that was after the "overeenkomst" (*agreement*) question had been mentioned to me.

1257. *Mr. van der Riet.*] Why must it have been after that?—Because I feel absolutely sure, that is all.

1258. Mr. van Heerden says that Mr. Louw met him on the morning of the 24th, at 12 o'clock; you say it was in the afternoon?—I think it was in the afternoon, and I think according to my recollection the House was sitting.

1259. Mr. Havenga and Mr. van Heerden say the telegram was given to them on Thursday morning, at least Mr. Havenga got it on Thursday morning and handed it to Mr. van
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Heerden on Thursday afternoon, in either case it is clear from the evidence that you had already seen or heard of the contents before it was shown to you in this room?—Yes when I met them in the lobby I already knew about it.

1260. *Mr. Davis.*] Mr. van Eysen will say it was in the evening?—It is more likely to be in the evening than in the morning.

1261. The contents of this alleged telegram you gave out to the House on the 3rd April in your speech?—The contents I gave on the 3rd April, yes.

1262. It is reported in the *Times* and *Burger*?—Yes.

1263. You read out the contents to the House I think from a note?—Yes.

1264. Had you written that note yourself as to what you remembered?—No it was not with regard to the contents of the telegram what I read, it was what had transpired between us.

1265. No that was on the 5th I am talking about the 3rd?—Oh no, I did not read that from a paper.

1266. What you said generally as given by both papers was this “ons het die volste vertroue in u en u het ons volmag maar ons wil u tog net opmerkzaam maak om nie u posisie partydig te laat wees teenoor die een of die ander party nie” (*we have the fullest confidence in you, and you have our authority but we wish to bring to your notice that you should not take sides with the one or the other party*). That was the contents of the telegram?—Yes.

1267. You went on and said this was the question from the start “hele inhoud van die telegram was dus as die Parlement dit aanneem is ons tevrede” (*the whole gist of the telegram was thus, if Parliament adopts this we will be satisfied*). That is in the *Die Burger* of the 4th April?—Yes.

1268. In the account you gave of the telegram to the House you did not say that the telegram contained any reference to leaving the matter in the hands of the House or to be decided by all the members of the House?—I thought those words you quoted as what I did say.

1269. You said “die hele inhoud van die telegram was dus as die Parlement dit aanneem is ons tevrede” (*the whole gist of the telegram was thus if Parliament adopts this we will be satisfied*)?—Yes, but is not that the same?

1270. You said in the English version according to the *Times* of the 4th April “if Parliament accepted the motion the Chamber was prepared to agree”?—Yes. To tell the truth I can more or less give you the words of the telegram. It

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started with the word "While". It was something to this effect: that while they did not wish to interfere with "your discretionary powers" this I remember very well; they would like to impress upon him or that he should remember that they maintained a non-party attitude and that he would therefore be wise in leaving it to the House to decide. As far as the wording is concerned that is more or less what it was.

1271. Why, when you gave this to the House, did you leave that part of the telegram out and said in other words that the telegram came to that?—Is it not so if you analyse it. "Leave it to the House to decide—do not take up a party attitude." I think I said that too.

1272. Originally when Mr. Havenga told you of this at lunch time, you did not take much notice?—No, very little. It was nothing new to me but what van Eyssen had said to me all along.

1273. But it came according to you after Mr. van Eyssen changed his attitude?—I know that I said this was the first time that the Chamber changed its mind. That was after the disputed words and I inferred this was a change of attitude, but at that time suspecting nothing, all I took it to be was this: That Mr. van Eyssen asked me to erase the word "overeenkomst" (*agreement*), so as to make the thing more clear, and I left it to him to see that the other side moved an amendment.

1274. On the 3rd April you had said after Mr. Webber's speech "*daar kom verandering*" (a *change came about*) and then you said "*dit is die eerste geleentheid dat die Kamer van Mynwese van posiesie verander het*" (*this is the first occasion that the Chamber of Mines changed its attitude*). I think I am right in saying that you told us yesterday as soon as Mr. van Eyssen came to ask you about this question of "overeenkomst" (*agreement*) you said to yourself "this is since Mr. Webber's speech—they are changing their stand"?—No, I think I took it that Mr. van Eyssen, having heard what Webber said, was beginning to awaken to what I had feared all along that he had thrown in his weight too much with one side. His attitude should have been a little more non-party or impartial.

1275. What meaning did you attach to this telegram when you saw it?—Exactly this: that he had their power or authority. They were quite willing to leave it to him to see in how far it was acceptable and to leave it to Parliament to decide, but he must see he does not show any partizanship to one side or the other.

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1276. If it was passed they would be quite agreeable?—Oh, yes. I never had any doubt about that from what Mr. van Eyssen told me, and from the contents of that telegram.

1277. Do you know from your own knowledge what meaning Mr. van Heerden attached to that?—No, I would hardly say except that he said in that room that this telegram was not quite as emphatic as the assurance he had received from Mr. van Eyssen.

1278. I think I am right in saying he told us that he regarded it as of no value at all?—Well, of course, that might have been his view.

1279. He certainly told us he regarded it as something quite different to what Mr. van Eyssen's attitude formerly had been?—Of course, Mr. van Eyssen had told him that the Chamber of Mines accepted it, and he could publish it from the house-tops. According to that telegram it seems that they say "don't you go and say that we accept it." I take it to be that was what really was Mr. van Heerden's complaint against Mr. van Eyssen at that meeting.

1280. Had not you been warned that really that telegram meant nothing?—No, never by anybody up to the very last moment that this telegram was being repudiated by the Chamber.

1281. Not being repudiated but that the terms meant nothing, they were so ambiguous that the whole thing meant nothing?—No.

1282. Were you ever warned against Mr. van Eyssen as being untrustworthy?—No, but what happened on several occasions was that some of my friends said "look here, we do not know Van Eyssen—we must not forget that he is the representative of the Chamber of Mines looking after their interests." I may say that on every occasion I immediately said to them "I know Mr. van Eyssen and I have the utmost confidence in him." He assured me that as he was my friend he was going to tell me nothing but was strictly the truth. That was the very first meeting we had, and I had no reason, from past experience, although my past contact with him from time to time has been casual, ever to dream that anything ever said by him would not be the truth.

1283. I think I am right in saying we had it from Mr. Fichardt that he definitely warned you and told you that he did not trust Mr. van Eyssen and the telegram meant nothing?—No, let me tell you this; that night when we were going to the Waldorf we had just passed Isaacs when Mr. Fichardt fell back a little and I noticed he wanted to say something

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to me apart from Mr. van Eyssen and the others, and he said to me that the Chamber of Mines will eventually twist out of that telegram, if they like to, so I said——

1284. *Mr. van der Riet.*] How did he come to say that to you, that they might twist out of that telegram, how was that put to you?—Those are almost the very words. I took that to be because they had not in the telegram said “we accept.”

1285. On this occasion what did Mr. Fichardt know about the telegram?—I do not know.

1286. How did he refer to it so that you knew what telegram he meant?—I do not know whether Mr. van Eyssen had shown it to him but we were on the way to the Waldorf, but certainly he warned me against Mr. van Eyssen, because of being an agent of the Chamber of Mines he had suspicion against him, in fact that was the case with a good many of my friends and I had first to allay their feelings with regard to Mr. van Eyssen. Almost everyone showed the same suspicions of the Chamber of Mines.

1287. Mr. Fichardt said the Chamber might still twist out of that telegram, what did you understand by “that telegram”?—The telegram to Mr. van Eyssen.

1288. *Mr. Beyers.*] About the “discretionary powers”?—Yes. That purported to come from the Chamber of Mines.

1289. What was said to identify that telegram?—There were members who knew about this telegram, and whether he heard it from others or from Mr. van Eyssen I cannot say.

1290. *Mr. van der Riet.*] According to you this must have been on Friday night?—Yes, Thursday or Friday.

1291. *Mr. Davis.*] You left on Saturday?—Yes. It was Thursday or Friday as far as I recollect.

1292. *Mr. van der Riet.*] You say the telegram was shown to you on Friday and reference was made that night walking to the Waldorf?—Yes, then probably it was so.

1293. *Mr. Davis.*] When Mr. Louw did not appear at the room when he went away, did not Mr. van Eyssen go and try to fetch him back?—No. Mr. van Eyssen said “Ek is jammer dat Louw nou weg loop” (*I am sorry that Louw walks off now*).

1294. Mr. van Eyssen is going to say that as soon as you got into the room and it was clear that Mr. Louw was not going to accompany you at all he went off to see if he could find Mr. Louw and that no discussion took place at all?—No. I am perfectly clear that Mr. van Eyssen was there. Whether he went to the door or moved a little distance off

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(and if he did it must have been a very few paces) but when it was told what transpired he was standing close to my left.

1295. This piece of paper shown to you was spoken about by Havenga at lunch?—Yes.

1296. It may have been a note for all you know?—To my recollection it was a piece of paper somewhat like a writing pad. I do not think it was ruled paper.

1297. The contents might have been a note—you cannot tell what it was?—No, I cannot.

1298. Did you hand your statement to the House given on Mr. van Eyssen's assurance or on the telegram or on both?—I went on the statements made by Mr. van Eyssen to myself, and I think I also mentioned the telegrams.

1299. On the 25th February you received this letter as you have told us at the Royal Hotel?—Yes.

1300. When on the 5th April, Mr. van Eyssen brought up the question of this letter, did you remember it at once or first forget all about it; that is at the meeting in the Whip's room?—I came back and said I do not want you to think I am running away from you. I sat next to him on the bench. He was on the low chair. He gave me this letter and said "do you recollect it." I took it and read it, and gave it back and said "yes, I think it is fairly correct." It was in English and I have a recollection that mine was in Dutch, but I said "this is correct" and gave it back.

1301. This letter is, I understand, according to you not correct in some of its statements. It appears in the *Times* of the 6th April?—The word "misunderstanding," that is not correct. There was no misunderstanding. That referred to the matter between him and Van Heerden.

1302. "As has appeared from our conversations there are points in your motion which we certainly cannot accept, namely, those points which are opposed to the solution suggested by us for the salvation of the low grade mines"?—Yes.

1303. "Those points which are opposed to the solution suggested by us," that is the Chamber of Mines. "for the salvation of the low grade mines." That refers to the bulk of your motion other than the appointment of the Commission?—To the first part, to the words "natives" and "colour" question.

1304. And "overeenkomst" (*agreement*) and "arbeids veld" (*sphere of employment*), and those points he mentioned

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here refer to this?—That was the first time that he intimated that they were not acceptable.

1305. Not quite the first time in regard to one of them the “overeenkomst” (*agreement*)?—I never for a moment understood and he never gave me to understand that it was unacceptable, but merely if “overeenkomst” (*agreement*) can be erased it would make things more acceptable to him.

1306. If that was what he said on Thursday about “overeenkomst” (*agreement*), can you describe that fairly as a change of attitude on the part of the Chamber of Mines?—Yes, as a changed attitude really through Van Eyssen. Undoubtedly he on the night of the 18th February did tell me he was satisfied, and he left me with the fullest impression that they were quite satisfied with my explanation. Then he came to say there was something in the motion he would rather do without, namely the word “overeenkomst” (*agreement*). In that sense it was a changed attitude.

1307. That was only a slight change?—It was a minor point. It would not, and did not affect the eventual acceptability—only it would make it easier.

1308. This letter of the 25th February was an entire change?—Yes.

1309. Why did you not answer that letter?—The Government had then already refused to accept the motion. I was leaving. I attached no more value to this letter as giving me any other information than I had before or was already in possession of.

1310. At this date you told us you did not know that the Chamber was not prepared to accept portions of the motion at all. This was the first intimation you got?—That is quite so. The letter says “there are points in your motion which we certainly cannot accept.” As I told Van Eyssen “let the other side move an amendment and you will have that removed.” To me it was not of any consequence.

1311. The main thing with you was the appointment of the Commission?—Yes, that was the thing.

1312. Still here is something definitely stated. Not only that they were not accepting points in your motion but that he had already told you so on certain occasions?—Yes.

1313. “As appeared from our conversations.” Did not you think that when an incorrect statement of that kind was made that you ought to have corrected it at once?—I never dreamt of it for one moment. To me it was simply this: That Van Eyssen attached certain importance to the erasure of the word “overeenkomst” (*agreement*) and I told him

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“you may have it if you take the necessary steps to put in an amendment.”

1314. You told us that he referred to “overeenkomst” (agreement), “naturelle” (natives), “arbeidsveld” (sphere of employment) and all these points?—“Agreement” and “status quo” were the whole thing.

1315. Coming to the evening of the 25th, you say that Mr. van Eyssen that same evening had brought you a mineral down to the train?—Yes, that evening.

1316. You did not mention the letter to him at all?—No. I was so busy. As I told Mr. Brink that morning I had a great deal to do, and wanted to get back early. I had not packed. We came back at one o’clock, and just as I stepped off the motor he put that letter in my hand. I just remember I read it there and gave it to Mr. Havenga together with these papers that I have handed in, and from that moment I never thought of the letter again.

1317. When he handed you the letter on Saturday morning, did not you ask him what it contained?—No. He used a few words. All I remember is to the effect that it was with regard to this question.

1318. He just in a few words told you what the contents of the letter were?—It is possible. I know he just said a few words.

1319. If this letter is quite incorrect why either in the morning or evening did you never contradict it verbally or in writing?—I looked upon it having to do with a friend who was so emphatic in telling me over and over again of the whole position that I would not in the circumstances go and make a fuss about a small point. To me it meant nothing.

1320. He says “there appears to be a misunderstanding regarding our attitude.” He says he has already told you. ?—All along he said most emphatically he had nothing against the motion, except in his letter, but he asked for the removal of the word “overeenkomst” (agreement) after that day and after 24 hours he shows me what purports to be a telegram from the Chamber of Mines as to what their attitude is. From his whole conduct and what he had told me previously how could I when a letter like that is put into my hand have any suspicion that the man is now trying to say something different to all this assurance.

1321. But this was not something different in the letter?—If we look at it as *ex post facto*, then I say it contained something different. Then I say I really do not think it would be to the honour of any man to write a letter in these

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terms. Why did he not say what the Chamber of Mines said was not an acceptance. Since the truthfulness of Mr. van Eyssen's statements was raised it really appears as though this letter was written with a sinister object of later being able to avail himself of this as against what he had over and over said.

1322. May it not have been written with the object of conveying to you in so many words that your motion was unfortunately not acceptable to the Chamber of Mines, but without doing it in a rude, blunt and tactless way?—No. Here is a telegram received a day before saying "General Hertzog's motion quite impracticable and entirely unacceptable to us." If Mr. van Eyssen's attitude had been what he now takes up that the Chamber of Mines was always hostile, could he have used better and clearer words than simply showing this telegram or using the words of the telegram. Even here in this letter he does not do so. He had just received this telegram and then goes on hiding it. In this letter he did not convey it to me. I do not think that an honourable man would have left me under the impression, or under any impression, that was likely to create in my mind a feeling that there was a hope of the Chamber of Mines accepting it. No, having received that, if he meant to convey to me what the Chamber of Mines attitude was he ought to have been as decisive as the Chamber of Mines was.

1323. If he had put before you the blunt, tactless and rude telegram of the Chamber of Mines you would have been annoyed?—Not a bit; I would not have been annoyed; I would have said: "You have been misleading me"; but if his conduct had been straight I would say it is the only thing that an honest man could do. Can you imagine for one moment why I should be left under any impression any more?

1324. *Mr. van der Riet.*] Is it not, after all, done in this letter. He says: "As it appeared in our conversation, there are points in your motion which we cannot accept"?—When he wrote this letter he had already seen the wire of the Chamber of Mines. Why does he not say: "You asked me to send a wire to ascertain, and the answer has now come, and I see that the Chamber of Mines will not accept your motion."

1325. *Mr. Davis.*] He could not very well say you asked him?—For his authority.

1326. Is it not perfectly clear from the letter that it is not concerned who appoints the Commission: they did not care and are perfectly agreed on it, but the rest of the motion they

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cannot accept?—No, under the circumstances I simply took it to refer to the few points to which Mr. van Eyssen had drawn my attention previously.

1327. It comes to this : it is perhaps a little more friendly way of putting to you the same thing?—The truth is never untactful. This was a question of great importance to me to know what was the attitude of the Chamber of Mines.

1328. Of very great importance to know what the attitude of the Chamber of Mines was?—I would have liked to know it.

1329. It was of very great importance for everybody to know?—Yes.

1330. Why did you not in your speech of the 21st February tell the House that the Chamber of Mines was prepared to accept your motion?—I say again it was done out of absolutely nothing but my consideration for Mr. van Eyssen, because I felt, and I said to my friends, if General Smuts persists in his non-acceptance of the motion the Chamber of Mines will repudiate Mr. van Eyssen and we will lose a man in whom I have the greatest confidence as being a man who took to heart the interests of the workers on these mines.

1331. When you spoke on the 3rd April, why did not you mention to the House this letter of the 25th February?—For two reasons. One reason is this : I had only to do with this that up to a certain stage in the proceedings the Chamber of Mines was in favour of me, and then with the request to have “overeenkomst” (*agreement*) erased, there was for the first time something that pointed out a change of attitude. We all knew on that date when General Smuts did not accept it that the Chamber of Mines had taken up another attitude. I had nothing to do with what occurred later on. I may say that I never dreamt of that letter again until Mr. van Eyssen showed it to me and asked whether that was a correct copy.

1332. You remembered having received it?—Immediately he asked me, but it had gone out of my mind because I never attached importance to it.

1333. In your speech you were laying a charge against the Government of criminal negligence in not knowing the Chamber of Mines were prepared to accept the motion. That was on the 3rd April. You took the matter along your original interview with Mr. van Eyssen, your meeting in the hotel, and you said that that was the position then when the debate had been going on for two days. You said then came a change. Mr. Webber spoke, and then Mr. van Eyssen brought up this question of “overeenkomst” (*agreement*), and that was the first time that the Chamber changed attitude

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at all. Then you went on to deal with the telegram. Perhaps you first dealt with his statement to Mr. van Heerden that he could publish it from the housetops, and then you dealt with the telegram and came to the terms of it. Now you actually were dealing with their original attitude and with their changed attitude. Now why in dealing with their changed attitude did you not produce the thing to the House which would have shown exactly how they changed their attitude?—Do you think we go into all these details; all that I had to show was that at a certain date they had taken up a certain attitude, and on another date a change came about. My whole position was that there were these two days, and more, during which the Chamber was agreeable to accept the motion.

1334. Are you quite correct in saying they changed their attitude after Mr. Webber's speech? You conclude this telegram is proof that the Chamber of Mines would be content and agreeable?—Up to the 3rd it was said that the Chamber practically had nothing against it. I took it Mr. van Eyssen spoke on behalf of the Chamber of Mines. Then with the telegram you have this, that they say: "Well, we will leave it to the House, so you keep a non-party attitude, and if the House adopts it, very well." They express approval up to that time.

1335. On the 5th April at any rate this letter had been pointedly brought to your notice by Mr. van Eyssen?—Yes in the "Whips" room.

1336. As what he had given you to convey to you the answer of the Chamber of Mines; that was his attitude; was it not?—To tell you the truth when he showed it to me it never struck me that Mr. van Eyssen was going to try and extract from that letter, which evidently he now is, and the following morning I was surprised to see it in the paper. I took it of no importance because to my mind I had stated everything to Parliament even inclusive of what was contained in this letter.

1337. You say now you had in effect given the contents of this letter to Parliament; where and when?—In saying that Mr. van Eyssen after Mr. Webber's speech came to see me and wanted "overeenkomst" (*agreement*) erased, and according to my recollection the words "there are points in your motion which we certainly cannot accept", referred to that "overeenkomst" (*agreement*). I see it is plural "points," there may be others.

1338. When I asked you what these points were suggested by the Chamber of Mines for the salvation of the low grade
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mines you said it included not only "overeenkomst" (*agreement*) but a question of "naturelle" (*natives*) and "arbeids veld" (*sphere of employment*)?—"Arbeids veld" was really contained under "overeenkomst." You must understand why he pointed out to me that he wanted "overeenkomst" out because I think I said to him that it included the "*status quo*," and the "*status quo*" affects these people who hold sinecures, and the "arbeid veld" really also in the motion covered that same point. I said with regard to them if they hold mere sinecures it is no "arbeids veld."

1339. What about "naturelle" (*natives*)?—Well it never struck me that this was what he referred to here, because as I have said when we discussed these things he gave me the assurance that his difficulties whatever they might have been were removed.

1340. What about returned men to work on prescribed terms?—That falls again under "overeenkomst" (*agreement*), that is "arbeids veld" (*sphere of employment*), because as I have said to you if there is no work there is no "arbeidsveld" (*sphere of employment*).

1341. Now with reference to the meeting in the room on the 5th April, we have it from Mr. Havenga and Mr. van Heerden, they both agree, that everybody was very angry. You were angry and so were Mr. Havenga and Mr. van Heerden?—Well perhaps I was greatly shocked and most indignant.

1342. Is there much distinction?—Yes, I think so.

1343. Was there any mention of the fact of a telegram being sent at the request of Mr. van Heerden at that time? Mr. Havenga, I think, says no?—On that day? No, I do not know.

1344. Mr. Havenga says when he was asked whether he had put this, what me may call, alleged reply before you that he made no direct answer to that, but turned to Mr. van Heerden and said "You had no right to break my confidence." Is that right?—What telegram?

1345. Mr. Havenga says he made no reply but turned to Mr. van Heerden and said "how can you break my confidence." That was the telegram with regard to the "discretionary power"?—When he came in I said "take a seat" and I sat next to him. As he came in I said "you have seen this, it affects my credibility, but yours even more. I want you to get a copy of that telegram and show us"; to this he made no reply and simply went on talking. I then said "what I want of you is to give a copy of that telegram,"

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and he started to attack Mr. van Heerden and said he had no right to show that telegram, or something to that effect.

1346. *Mr. van der Riet.*] In your speech of the 5th April I see you say "accompanied by Mr. Wilcocks"?—That is wrong, it is a misreport.

1347. *Mr. Davis.*] When asked for a copy did he refuse or make no reply?—When he had been going on for a few minutes attacking Mr. van Heerden for having broken faith for not treating the thing as "vertroulik" (*confidential*) I thought "No, now is my time, I cannot allow this," then I said "No, excuse me you never under any circumstances said to me that anything is "vertroulik" (*confidential*), nor did you show that telegram as being "vertroulik," how can you now say to Mr. van Heerden that was "vertroulik," then I said "what I want to know is, are you going to give a copy, yes or no", and then he did not use the word no, but he gave me sufficiently to understand that he declined.

1348. Mr. van Heerden says you and Mr. Havenga went out and left him with Mr. van Eyssen?—I went out alone, as I said, I went out first and as I was going out he said "wag Generaal" (*wait General*) and I said "nee, genoeg" (*no, enough*), and as I was closing the door I thought no I will not give him a chance to say that I ran away, then I came back and asked whether he had any more to say and then he showed me that letter. He simply asked me "do you recollect that", I read it and said "yes". Then I gave him the letter which had been sent to him with my messenger to the hotel and had been returned. I said "you better take this"; and then I left and Mr. Havenga and Mr. van Heerden remained.

1349. Did Mr. Havenga take part in the discussion while you were there?—I almost think not, he might have, but it must have been very little.

1350. *Chairman.*] At that interview did you ask Mr. van Eyssen whether it was a fact that he had received a telegram from the Chamber of Mines saying your motion was altogether unacceptable?—Yes, after he refused to give me a copy; this same paper was lying on the table in the middle of the room and I got up and went to fetch it and said "have you seen this, did you received that telegram." (*Copy of Cape Times of 5th April, 1922*). He replied "yes". He was sitting next to me and when he said "yes" I got such a shock I turned to him and said "moet ek verstaan dat jij die telegram ontvang het en nie aan een van ons gewijs het nie, en dat instede van die telegram wys jij ons 'n ander telegram" (*must I understand that you received this telegram and did not*
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show it to us but that instead of this telegram you showed us another telegram). He said "ja" (yes), and then I said to him "genoeg, nou kom jij mij nie weer onder die oe, ek wil jou nooit weer sien nie" (enough, now don't you come in my sight again, I don't want to see you ever again).

1351. *Mr. Davis.*] Mr. van Eyssen then admitted a forged telegram?—I said "moet ek verstaan dat jij instede van hierdie telegram mij 'n ander gewijs het" (*must I understand that instead of this telegram you showed us another telegram*), to which, without looking up, he said "Ja" (yes). then I simply said "genoeg" (enough).

1352. Do you remember Mr. Havenga taking part in the discussion?—No.

1353. If Mr. van Heerden says the whole object of this interview was to get the original of the telegram, would that be correct?—I called him, Mr. van Heerden was simply sitting there, I asked him to remain there. I knew I had no right to ask for the original. I took it there was some misunderstanding and that what Mr. van Eyssen had been telling me was the truth, so I wanted to get a copy of that telegram from him. I asked him for a copy, there is no doubt about that. I am very clear as to what happened at that meeting.

1354. On the 5th April you gave an account of this to the House?—Yes.

1355. You have just told me as far as you know nothing was said about that telegram sent at the request of Mr. van Heerden?—That is possible.

1356. *Mr. van der Riet.*] The *Times* says "admitted having sent a wire to the Chamber as proof of the contention that the Chamber agreed with the motion"?—If I said that I would explain it in this way. I immediately went into my room and wrote down what Mr. van Eyssen had said, and I asked Mr. Havenga whether I was correct, and he confirmed it, and I take it I went into the House. My hand was shaky, and Mr. Havenga re-wrote it for me in his writing to have it clear, and I put it somewhere but cannot lay my hand on it.

1357. *Mr. Beyers.*] This statement in your speech that Mr. van Eyssen admitted that he had sent a telegram to the Chamber at the request of Mr. van Heerden, do you mean by that if he did so he had admitted it to you personally, or was it conveyed by somebody else?—If it is in that statement I take it it must have been said by him there at that meeting. What I personally asked him was what I have said. There was conversation between him and Mr. van Heerden, and Mr. Havenga may have asked something too.

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1358. *Mr. Davis.*] In the *De Burger* of the 6th April it says : “ spreker het hom die berig gewijs en het hom gese dis ’n belangrike kwessie want dit betref spreker se geloofwaardigheid en die van Mnr. van Eyssen. Mnr. van Eyssen het erken dat hij die telegram aan die kamer van Mynwese gestuur het op versoek van Mnr. Petrus van Heerden om te vra of hulle houding in ooreenstemming is met die van spreker se voorstel ” (*speaker showed him the report and pointed out to him that it was an important matter because it concerned speaker’s credibility and that of Mr. van Eyssen. Mr. van Eyssen acknowledged that he sent that telegram to the Chamber of Mines at the request of Mr. Petrus van Heerden to ask whether it was in agreement with the motion of the speaker*) ?—Well, then I must have said so.

1359. Also you went on to say “ Mnr. Havenga het Mnr. van Eyssen gevra of dit dan ’n vervalste telegram was maar hy het geweier om daarop te antwoord ” (*Mr. Havenga asked Mr. van Eyssen whether it was a forged telegram, but he declined to answer*) ?—Yes, I did not have that on the paper. There was an interjection, and I said Mr. Havenga stayed behind, and a few minutes later came to me and told me that.

1360. He definitely told you he said forged telegram ?—No.

1361. Did you not say so in your speech ?—I do not know, that was hearsay.

1362. Mr. Havenga told you then and there that he had tackled Mr. van Eyssen about a forged telegram ?—Yes ; I will not say that those were the words ; it was whether the telegram was genuine or something to that effect.

1363. I may say this is according to what Mr. van Eyssen will say, and I put it to you he will deny that he made these admissions about forged telegrams. He will say when he came in he was given Mr. Havenga’s letter in the beginning, and that you put this to him : “ Now tell me did you get this answer from the Chamber of Mines as appeared in the paper that my motion was unacceptable ? ” and he said “ Yes ” ?—Absolutely wrong.

1364. That you then said “ and did not you show that to me,” and he said “ no, I did not ” ?—No.

1365. He says he wrote a letter the next day and put it in tactful terms, and you flew into a temper and said : “ I have nothing more to do with you,” and went to the door and came back and said : “ I don’t want to give you the opportunity of saying that I ran away from you,” and then you went out again ?—Not a bit ; not a single word more than I said to you. I felt inclined at the moment to say something more, as I was indignant. The letter Mr. Havenga had written him and which

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was sent to the Mount Nelson Hotel, and did not reach him, was lying on the table, and I took that letter and said: "You better take this letter; it was written to you this morning and did not find you at the hotel." That was the last thing I did.

1366. What did you give this letter for at the end, when you knew he refused to give the copy?—I thought this letter was intended for him, and, under the circumstances, it was as well for him to get it.

1367. What members of the South African Party to your knowledge knew the position from Mr. van Eyssen or had seen him? You accused General Smuts of knowing all about it?—Not a single one that I know of. Mr. van Eyssen came and said he was sent by the Chamber of Mines to see all the members of Parliament, and saying he was first going to see General Hertzog and the Nationalists. I took it for granted that he did see the others.

1368. On the 3rd April, immediately after your reference to this telegram, when you said this has shown that the Chamber was content, Sir Abe Bailey put in this: "dit bewys dat die regering nie die Kamer van Mynwese verteenwoordig" (*this shows that the Government does not represent the Chamber of Mines*). I think it is an old jibe at the Government that they really are the representatives of the Chamber of Mines. Then you said this: "in tussen tijd het Mnr. van Eyssen diezelfde ding onder die S.A.P. lede versprei" (*in the meantime Mr. van Eyssen spread the same report among the members of the S.A. Party*). After all said and done that is a serious thing to be said in the House by the leader of a party. What South African Party members did you have in your mind?—Not a single one in my mind. All that I can say is that I took it for granted that he did do so. I may say this: it had been reported to me that he had seen some of the South African Party members. I never asked for names.

1369. *Mr. Beyers.*] He told you that?—No: but I recollect it had been brought to my notice by somebody outside, it may have been amongst some of the members of the Opposition.

1370. *Mr. Davis.*] Do I understand that Mr. van Eyssen had personally not told you that he had approached members of the South African Party?—No, I purposely kept clear of asking him any questions as to what was transpiring with the other side. I always considered it would be improper for me to get from the representative of the Chamber of Mines what he was doing with the other side.

1371. In your petition you say this in paragraph 9 "door

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zijn handelwijs zoals hierin uiteengezet, de heer van Eyssen mij en andere Edele leden van dit huis bij het vervullen van onze plichten heeft misleid, of heeft getracht te misleiden, door valse voorstellingen en daardoor heeft veroorzaakt" (*by his abovementioned acts Mr. van Eyssen has misled me and other honourable members of this House in the performance of our duties, or has tried to do so and has by so doing caused*). Let me ask you this, in what way did Mr. van Eyssen mislead you in the performance of your duties?—He attempted to. It is clear that if what he now maintains is correct then his information to me was false and he must have had some ulterior motive in persuading me to adopt a certain attitude in Parliament. It may be we might have taken up a less critical or hostile attitude in Parliament over against the Chamber or something to that effect, he must have had some such intention.

1372. You do not mean to suggest that as a fact you have altered in your attitude in any way whatever as a result of what he may have told?—No, but that he tried to.

1373. If that is so, how then do you account for the next sentence "dat ik en andere leden zijn blootgesteld geworden aan de meest ernstige verdenking en beschuldigingen van ons te hebben schuldig gemaakt aan opzettelijke onwaarheid jegens dit Edelachtbare Huis" (*that I and other honourable members have run the most serious risk of being suspected and accused of deliberately telling untruths to this Honourable House*)?—Yes.

1374. Of course you did not on the 5th April take the earliest opportunity of—at any rate according to one statement, namely that Mr. van Eyssen at least put it that he was conveying the attitude of the Chamber of Mines on the 25th February to you—you did not put that right on the 5th when you had the opportunity?—No, because I submit still that this is only *ex post facto*. After Mr. van Eyssen's denial of what he had told me can you put that interpretation that he wishes to put upon it.

1375. Was it quite fair an account you gave of the meeting of the 5th April not to have mentioned to the House that in self defence Mr. van Eyssen had produced this letter of the 25th February. I do not care whether you thought much of it?—I do not see what that letter had to do with it or with my case.

1376. Let me put this to you ; we have it that Mr. Havenga, Mr. Fichardt, Mr. van Heerden and *Die Burger* all regard this answer from the Chamber of Mines as completely un-
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satisfactory or disappointing. can you account for the fact that you are the only person who regarded it otherwise?—Well perhaps you forget that in addition to the Chamber of Mines I had Mr. van Eyssen. To me it was not only disappointing, it was exactly what I expected the Chamber of Mines' position would be. You must not forget in addition to that I had the assurance of their representative here as to what that really meant if there was any doubt.

1377. You do not know anybody else who saw the original?—I do not know of a single man who can swear that he saw it.

1378. *Mr. van der Riet.*] This petition says in paragraph 5. "The contents of this said telegram were as previously stated by me to this House, viz., that the Chamber would submit to the said motion, if adopted by this House." That is not correct as you say now?—No. I still maintain it.

1379. There is a difference between that and what you have given us?—No. That is the main point. Mr. van Eyssen sends a telegram asking "what is your attitude towards General Hertzog's motion" and they wire back "we leave it to your discretion, we only want you not to overlook our non-party attitude and leave it to the House."

1380. It says the House must decide the matter whether your motion can be accepted or not?—I do not see any difference between that and what I maintain.

1381. In regard to your speech of the 3rd April, there is a marked distinction between the actual words said, you say "you have our fullest confidence" and "you have our authority." When we are dealing with a question like this where it is actually denied we are testing the credibility, or rather the memory. You state apparently verbatim what it is, you say the telegram was to this effect "You have our fullest confidence"; that must be verbatim?—No, it may be.

1382. When you say "you" it purports to be verbatim?—You must understand there I give a résumé of the thing on the spur of the moment.

1383. This was not on the spur of the moment, it was a prepared speech?—You do not go into all these details.

1384. You purported to give the exact terms of the telegram, you put it in the second person and as soon as you do that you purport to give a verbatim account, and you say the telegram was "you have our fullest confidence"?—There is no doubt that I never intended that those were the actual words, I think you will see I said more or less it was so.

1385. *Die Burger* says "ons het die volste vertroue in u en u het ons volmag, maar ons wil u tog net opmerkzaam maak

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om nie u posiesie partijdig te laat wees teenoor die een of die ander partij nie. Die hele inhoud van die telegram was dus : As die Parlement dit aanneem in ons tevrede ” (*we have the fullest confidence in you and you have our authority but we wish to bring to your notice that you should not take sides with the one or the other party. The whole gist of the telegram was thus : if Parliament adopts this we will be satisfied*). It purports to be verbatim?—I put it more or less in the form looking more at the substance than at the words.

1386. *Chairman.*] Another point arises out of the petition. You say this in the petition in paragraph 5. “The contents of the said telegram were as previously stated by me to this House, viz., that the Chamber would submit to the said motion, if adopted by this House.” I understood you to say that in your speech of the 21st February you rather avoided telling the House that the Chamber of Mines had expressed its readiness to accept your motion. I think that between Tuesday the 21st and Friday you had not spoken again on the subject?—No.

1387. So the only occasion on which you could have made any statement to the House would have been in that speech of yours on the 21st February?—I do not think I ever made any mention on the 21st February because there I took up the attitude of leaving away all politics, and party politics, and confined myself to the advisability of having that commission.

1388. I understand you say in your speech of the 21st February, you avoided saying anything as to the acceptance of your motion by the Chamber of Mines, but I do not know whether it is intended so or not, but this paragraph 5 of your petition reads to me as if you are referring to something you had stated previously on the 24th February that the contents of the telegram were as stated by you to the House that the Chamber would submit to the motion if adopted by the House?—No, that was on the 3rd April, the petition was drawn up after the 5th April.

1389. That is what you meant then?—Yes.

1390. If you read the petition itself it reads as if you are referring back to what had occurred in the previous paragraph on the 21st February. You do not mean you had before the 24th February stated to the House at any time that the Chamber did submit to the motion?—No.

1391. *Mr. van der Riet.*] You purport to have given an account of the telegram on the 3rd April?—Yes, what I said are not the words.

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1392. The point I was making, both on the 3rd April and in the petition you give a different version of the telegram to the verbatim version now given?—You see from the petition what I lay stress on is that the Chamber would have accepted.

1393. The telegram did not say that they would accept it and it did not say that they gave him full power?—As I interpret the telegram it does say that if the House accepts it they will submit to it. I do not know what it otherwise means.

1394. It says if the House accepts, “we want the matter left to the decision of the House”?—Mr. van Eyssen must have that telegram; let him produce it; he shows a totally different telegram in the *Times* as having come from the Chamber.

1395. The last paragraph in the petition contains the following statement “It is not our policy to be mixed up with matters of a party-political character, but to remain outside that sort of thing, because we feel that the salvation of the low grade mines concerns the whole country and your Party as much as the Government.” This to a certain extent is what is said to have been contained in the telegram shown to you?—He told us at the same time that the telegram from the Mines was a totally different one.

1396. This last paragraph may be said to be the inspiration for your version of the telegram?—Let him produce it. Instead of that he says I never showed any telegram.

1397. Do you not see the point; the point may be made that the last paragraph of this letter is the inspiration for what you say was the telegram sent to him?—The inspiration must be based upon the telegram.

1398. You are assuming that it must be accepted that the telegram was received?—No, I assume this, whether that telegram was received from the Chamber of Mines or not, he showed me a document which purported to be a telegram. Ask him to produce that document.

1399. If that is denied the contention may be that the inspiration for you to say that you got such a telegram is drawn from the last portion of this letter?—Good Lord, well then Mr. van Eyssen must take me to be insane.

1400. *Chairman.*] You told us there was exhibited by Mr. van Eyssen what purported to be a telegram from the Chamber, and we naturally know that his case is that he never exhibited anything of the kind?—Yes.

1401. I would like to be clear, what do you suppose to have been Mr. van Eyssen’s motive for showing you that

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telegram if no such telegram was ever sent?—May I say this; if Mr. van Eyssen now speaks the truth, then his whole object must have been for some reason or another to get us to adopt an attitude over against the Chamber of Mines which he thought otherwise we might not adopt—to adopt a friendly attitude. If he now speaks an untruth, but spoke the truth then, then I say that the Chamber of Mines did send that telegram but what I feared all along actually occurred, the Chamber of Mines eventually repudiated Mr. van Eyssen.

1402. *Mr. van der Riet.*] You agree with this that the post office must be able to say whether such telegram was sent or not?—I take it, yes.

1403. If they are able to show that no such telegram passed through the telegraph office it becomes purely a forgery?—Yes.

1404. *Chairman.*] Then you say something must have been shown to you that was invented?—Yes, that was an invention of Mr. van Eyssen. He showed it as purporting to be what was sent to him by the Chamber of Mines, an answer to a question what did they want to do with the Hertzog motion.

1405. You told us Mr. Havenga came to you at lunch time and showed to you what purported to be an answer received by Mr. van Eyssen to a telegram of enquiry he had sent to the Chamber?—Yes.

1406. You are not clear whether you actually read through that piece of paper that Mr. Havenga had?—I am almost sure that I did not, but I would not swear positively.

1407. Did Mr. Havenga state to you what the contents of that were?—I think he did more or less.

1408. That document that he showed to you was that a document he received to hand on to Mr. van Heerden?—That is what he told me.

1409. Did Mr. Havenga then or at any time give you to understand that the character of that document could have been anything in the nature of a note from Mr. van Eyssen to the effect that the Chamber did not wish its name to be brought into the House, and that they wished to preserve a non-party attitude and did not wish to interfere with the motion before the House. Perhaps I had better read what was put to Mr. Havenga on that. (*Reads Qn. No. 147*). Now did Mr. Havenga give you to understand at any time that the document which had been handed to him was of that character suggested by that question?—Never.

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1410. Or anything resembling it?—Never. The only thing that he gave me to understand was that this was a reply of the Chamber of Mines to a telegram sent by Mr. van Eyssen, or a copy of it.

1411. But he merely informed you of the character, you did not actually read it?—I think I did not read it, but he informed me of the import of it.

1412. Whatever the character of that document was, the document that was actually shown you by Mr. van Eyssen himself, did that bear any resemblance to what is suggested in this question?—Nothing. It purported to be a direct reply from the Chamber of Mines saying so and so.

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PRESENT :

MR. BISSET (Chairman).

Mr. van der Riet.

Mr. Jansen.

Mr. Beyers.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter of the firm of Messrs. Coulter and Co., Parliamentary Agents) appeared on behalf of Mr. J. L. van Eyssen.

Mr. Frederik Rompel, examined on oath.

1413. *Chairman.*] You are News Editor of *Die Burger*?—Yes.

1414. You met Mr. van Eyssen and had a conversation with him?—Yes.

1415. When and where was that?—On the 2nd March in my office.

1416. Tell us what took place between you and Mr. van Eyssen?—On the 1st March I had an interview with Messrs. van Heerden and Havenga, members of the House of Assembly. The following day Mr. van Eyssen come to my office and gave me a copy of a communication which he wished to appear in *Die Burger*.

1417. Have you that copy with you?—Yes. (*Copy put in*).

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1418. *Mr. Jansen.*] Is this in Mr. van Eyssen's handwriting?—I believe so, he did not tell me it was his handwriting.

1419. *Mr. Beyers.*] Did he hand this over to you?—Yes. We had a long conversation about it.

1420. Did this appear in *Die Burger*?—No, but portion of it appeared in *Die Burger* of the 3rd March, see page 9 of that issue.

1421. Who erased all these portions from the draft copy?—Mr. van Eyssen himself did that later.

1422. Is this exactly in the state in which you received it?—Yes.

1423. Did you not obliterate anything?—No: Mr. van Eyssen did that himself. This is the original copy received from him. Mr. van Eyssen had a long conversation with me. He spoke about the attitude of Mr. van Heerden and indicated that he was always opposed to the motion of General Hertzog. Then he explained how the misunderstanding arose, and read this document out to me. I did not have it in my hands, he read it out to me. We had a long conversation over this and other matters, and I was interested to know what attitude General Smuts would adopt in regard to Mr. van Eyssen, and what attempts Mr. van Eyssen had made to approach members of the South African Party.

1424. Was anything said about a telegram?—The document had the colour of a telegram.

1425. Did he say anything to you about it?—Yes; he indicated what the attitude of the Chamber of Mines was and read the telegram to me.

1426. *Mr. van der Riet.*] He was opposed to the motion?—Yes; he said he had sent a telegram to the Chamber of Mines and had a conversation with Mr. van Heerden. I do not know what the exact words of the telegram were.

1427. *Mr. Beyers.*] You have told us that Mr. van Eyssen said that he sent a telegram to the Chamber of Mines. Did you see that telegram?—No.

1428. Did he tell you that he had received an answer?—Yes.

1429. Did he have anything with him?—Yes; the reply that he received to his telegram to the Chamber.

1430. Did he show the telegram to you?—No; he read it.

1431. He did not hand it over to you?—No.

1432. He communicated the contents to you?—Yes. I am under the impression that he read out the words to me. It was to the effect that it was left to his discretion and that it was immaterial to the Chamber whether the Commission of

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the Government or of General Hertzog was adopted, that it be left to the decision of the members of Parliament, and that Mr. van Eyssen must maintain his non-party attitude.

1433. *Mr. Jansen.*] Was the name of General Hertzog mentioned in the telegram?—Yes; I believe so.

1434. *Mr. Davis.*] When did you first hear of the existence of such a telegram?—On the 1st March, when I spoke to Mr. van Heerden.

1435. That was the first time you had ever heard about such a telegram, you are quite clear about it?—Yes.

1436. Did not you hear about such a telegram from any other member before Mr. van Heerden or Mr. Havenga?—I do not think so. I met Mr. Havenga for the first time in my life on the 1st March.

1437. From anybody else?—I do not think so.

1438. From Mr. Steinmeyer?—No: only afterwards.

1439. You are quite certain?—Yes.

1440. When did you first speak to Mr. Steinmeyer about it?—We did not speak about it before General Hertzog's speech, or before Mr. van Eyssen's denial.

1441. It must have been after General Hertzog's speech?—Yes.

1442. The first time you saw Mr. van Eyssen was on the 2nd March?—Yes.

1443. This thing he read out to you, did you see the document from which he read?—Yes.

1444. What did it look like?—From the back, like a telegraph form, I did not see the front portion.

1445. The back was an ordinary brownish-pink telegram form?—Yes.

1446. Did the telegram contain these words, as he read it out to you, that the Chamber did not care whether the Commission was one appointed by the Government or General Hertzog's Commission?—I did not pay much attention to the telegram because it was of no importance at that time.

1447. As far as you remember that was actually in it?—Yes.

1448. Did he read it out to you in English?—Yes.

1449. All the rest of the conversation was in Dutch?—Yes.

1450. Why was there no mention made of these telegrams at all in these articles?—Because there was no need for it. Mr. van Eyssen made no mention of it in his copy, but later mention was made of it in the interview with Mr. van Heerden.

1451. Mr. van Eyssen came up to you with this letter which he said he wanted you to put in the paper?—Yes.

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[Mr. F. Rompel.]

1452. And you had a talk about it together?—Yes.

1453. Mr. van Eyssen will say there was no word said about a telegram at all, you say that is not so?—We spoke about all these matters and about the telegram also.

1454. *Mr. Beyers.*] You say mention was made about a telegram?—Yes.

1455. *Mr. Davis.*] You say all these corrections were made here by him?—Yes, by Mr. van Eyssen.

1456. Was not it done by you after he left?—No, he returned afterwards and then made these erasures.

1457. How long afterwards did he return?—He came to me in the morning and then left and then he returned again, I am not sure whether in the afternoon or before 1 o'clock. There are one or two alterations I made in respect of dates.

1458. You worked the thing into the article as it eventually appeared?—Yes.

1459. On the 7th March the Johannesburg *Burger* correspondent went to interview the Chamber of Mines?—That may be.

1460. He got information that there was only one telegram received and one telegram sent about General Hertzog's motion, and the telegram sent and the telegram received were such as subsequently published in April. Do you know about that?—I saw it in a Reuters' telegram, but I could not trace having received such a telegram or any letter from our correspondent.

1461. Mr. Steinmeyer tells us that you are in charge of all telegrams?—Yes.

1462. Late in April your correspondent said that he had again seen the Chamber and the information he got was the same as he got on the 7th March and communicated to you that there were only these two telegrams. Did you not get that on the 7th March?—I did not receive it. I do not think it was received because we file all copies of letters and telegrams and I have gone through the file and cannot trace such a wire or letter from our correspondent.

1463. You looked for it specially?—Yes, during that period.

1464. And you cannot find it?—No. I never even saw it.

1465. In your article on the 2nd March you said this: "General Smuts was dus gered en Mnr. van Eyssen opgeoffer. Hij het dit blijkbaar goed gevoel, want sedert die bewuste telegram het hij de Nasionalistiese Volksraadslede, wat hij eers met prijsenswaardige ijwer opgesoek het, soveel moontlik ontwijk." (*General Hertzog was thus saved and Mr. van Eyssen sacrificed. Apparently he felt this, because after the* [S.C. 4—'22.]

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[Mr. F. Rompel.]

famous telegram he, as far as possible, avoided the Nationalist members whose presence he had previously sought with praise-worthy eagerness.) Do you remember that?—Yes, I think so.

1466. That information you got from Mr. van Heerden, that Mr. van Eyssen was avoiding members?—Yes, I believe so. I do not remember from whom I got it.

1467. Could it have been from anybody else, from Mr. Havenga?—No, I do not think so.

1468. This thing you published in *Die Burger* early in April. I have only got it from the *Argus*. Your correspondent said he had another interview with Gemmill and that statement is the same as that received a month ago and wired to *Die Burger* on the 7th March. You never got this telegram from your Johannesburg correspondent?—No.

1469. And you have looked for it?—Yes.

1470. You never had any conversation with Mr. Steinmeyer about this until very much later?—I do not remember.

1471. In April after General Hertzog had spoken?—Yes.

1472. *Chairman.*] Was that the only occasion on which you had a conversation with Mr. van Eyssen?—No, I met him a few weeks later in Adderley Street and spoke to him again, that was the second and last time.

1473. On the occasion you met him in Adderley Street did you discuss the same subject with him?—No, that was after the strike was over.

1474. On this day when you met Mr. van Eyssen did he tell you that he had received from the Chamber of Mines a telegram which said General Hertzog's motion was entirely unacceptable?—No.

1475. You remember later on in April the Chamber published a statement?—I do.

1476. In which they said that they had telegraphed to Mr. van Eyssen to say that General Hertzog's motion was entirely unacceptable and impracticable?—Yes.

1477. When you had this interview with Mr. van Eyssen did he say anything whatever to you to indicate that he had received a telegram in these terms from the Chamber of Mines?—No.

1478. *Mr. Beyers.*] The second conversation you had with him in Adderley Street, was that of any importance?—No, it was about the re-employment of strikers.

1479. *Mr. Davis.*] Is not the word "begrijplike" (*intelligible*) at the bottom in your handwriting?—Yes, that is mine.

1480. And on the second page, "23rd February"?—Yes, that is my handwriting.

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[Mr. F. Rompel, and Maj.
E. A. Sturman, C.B.E.]

1481. *Mr. Beyers.*] Is there anything else here in your handwriting besides the word "begryplike" (*intelligible*) and "23rd"?—I inserted that date 23rd and the word "begrijp-like" (*intelligible*).

1482. Was that done in the presenee of Mr. van Eyssen?—I believe so.

Major Edward Albert Sturman, C.B.E., examined on oath.

1483. *Chairman.*] You are the Postmaster-General?—I am.

1484. I think you have been subpoenaed to produce to the Committee all telegrams received by Mr. van Eyssen from the Chamber of Mines, Johannesburg, or sent to it by him during the period 17th to 25th February, 1922?—Yes.

1485. Have you got those telegrams here?—Yes; I have got the telegrams here which are handed to me by the responsible officer as the telegrams which passed during that period.

1486. From the Chamber to Mr. van Eyssen and from Mr. van Eyssen to the Chamber of Mines?—Yes. It will be understood that I have not personally made the search, but I have in attendance here from Pretoria the custodian of telegram forms who is responsible for keeping telegrams for the prescribed period before they are destroyed.

1487. Tell us the procedure. A telegram is sent from Johannesburg to Cape Town, is the original kept?—The original is kept at Pretoria, where all original forms are kept at the present moment.

1488. If a telegram is despatched from Cape Town to Johannesburg, where is the original kept?—The original would go to Pretoria to be kept there for the prescribed period before it is destroyed.

1489. Then these telegrams you are putting in now are original telegrams?—They are original telegrams. I have got them down from Pretoria.

1490. *Mr. van der Riet.*] Have you made a search through these yourself?—I only produce them as telegrams that passed on the different dates, beyond that I do not know anything about them. The custodian has gone through all the telegrams which passed through this period and has extracted those sent over by the Chamber of Mines or Mr. van Eyssen either from Cape Town or Johannesburg during the period 17th to 25th February, 1922, and here they are.

1491. The Chamber of Mines' telegraphic name is "Bullion"?—That is so.

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[Maj. E. A. Sturman, C.B.E.]

1492. Had Mr. van Eyssen a telegraphic name or were the telegrams sent to him in his own name?—I think they are all addressed to him personally.

1493. *Mr. Beyers.*] As van Eyssen?—Yes.

1494. There are telegrams here addressed to Gemmill?—That is the same as the Chamber of Mines.

1495. *Mr. Jansen.*] Was that addressed to Cape Town?—Yes, sent by Gemmill to van Eyssen, that would be the same as the Chamber of Mines.

1496. *Mr. van der Riet.*] Have you been through those telegrams you have got there?—Yes; just cursorily, to see that they are to the respective parties concerned.

1497. You cannot say without going through them all whether a certain telegram is there or not?—I say these are the only telegrams.

1498. The position I want to make clear, we are not entitled to ask for an inspection of telegrams generally which passed between the Chamber, we want to know whether a certain telegram is or is not there. Can you say that?—By going through them.

1499. If you send a telegram to-night to Johannesburg, how long is that telegram kept in Cape Town?—A week, thereafter it goes with all other telegrams, as I have explained, to the central dépôt in Pretoria, where it is kept for the prescribed period, that is six months.

1500. *Mr. Jansen.*] Do you send them up in weekly batches?—Yes.

1501. *Mr. Beyers.*] They go from all parts of the Union to Pretoria a week after they are despatched?—Yes.

1502. And are destroyed every six months?—That is so.

1503. Six months after transmission to Pretoria?—They are kept on hand six months.

1504. Is there a possibility of a telegram like that being lost. Does the transmission and handling of these originals not show that a certain average are lost, say two or three per cent.?—It would be a fair question to put that to the actual custodian.

1505. You would not be able to answer that?—It would be more satisfactory for him to tell you exactly.

1506. Has it come to your knowledge that some of the originals are lost?—No; practically I have not heard of any cases of that kind.

1507. How are they stored in Pretoria?—In a very large wood and iron building.

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[Maj. E. A. Sturman, C.B.E.]

1508. In a strong room?—No; there are thousands of these forms in a wood and iron building at the back of the old Volkstem Buildings, in Pretoria, which building is the building where the telegrams are all dealt with from the point of view of examination and assessment of charges—in other words the clearing house.

1509. Are they docketed in this place where they are kept so that you can easily turn up any batch of telegrams for any particular week or date?—Yes.

1510. *Mr. van der Riet.*] Are they by law required to be kept?—By regulation, not law.

1511. Refer to the telegrams that passed from Mr. van Eyssen to the Chamber and tell us whether any telegram passed after the 17th February enquiring as to the Chamber's attitude on General Hertzog's motion?—The telegrams are here in chronological order. I will have to read through them.

1512. *Mr. Beyers.*] Look through the 23rd February?—It is very difficult for me to do that, I do not understand what these telegrams mean.

1513. How many telegrams are there altogether there?—There are 35 telegrams. (*Hands batch of telegrams to Chairman.*) I may say had I not received a telegram from Mr. van Eyssen's Attorney to produce these telegrams I should not have been able to have done so, notwithstanding the subpoena because the provisions of the Post Office Act are very severe and the telegrams in this case could only be produced at the instance of the sender or receiver.

1514. Who is the officer in charge of the telegrams?—Mr. Cooke is the officer in charge of the central telegraph records.

1515. *Mr. Jansen.*] What time was this telegram despatched (*Telegram No 185, dated 23rd February from van Eyssen to Bullion*)?—It appears to be handed in at 3.44 p.m. and despatched to Johannesburg at 4 o'clock. I do not know from this form what time it was delivered in Johannesburg, it may be a few minutes later.

1516. Then this telegram No. 4844, dated 23rd February, from "Bullion" to van Eyssen, Mount Nelson Hotel, Cape Town?—That was handed in at Johannesburg at 4.50 and was despatched from there at 6.32.

1517. Does it appear from the document itself what time it was received?—I am in a position to call the evidence of the delivery clerk in Cape Town, whose duty it was to deliver this message at the Mount Nelson Hotel to tell you at what time it was delivered.

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and Mr. J. J. Cooke.]

1518. *Mr. van der Riet.*] It is perfectly clear that all the telegrams that have passed should be here?—Yes.

1519. If these are the only two telegrams that passed on the subject they should be the only two telegrams that were transmitted?—Yes.

1520. *Mr. Beyers.*] Whether in code or not?—Yes.

1521. *Chairman.*] If any had been sent in code you would have the original in code?—They would be among this lot.

1522. *Mr. Beyers.*] There would be no reason for having telegrams in code separate from telegrams in plain language?—No. I had all these telegrams specially impounded when I heard that this Commission was appointed at the request of the Minister. When I say impounded I simply mean specially taken out of the magazine, which is 200 feet long with thousands of bags in it, and I had them placed in a safe. That was on the 25th April. The Minister requested me to do it to have them specially preserved.

1523. *Mr. Davis.*] All telegrams sent to Mr. van Eyssen after the 21st February were sent to Van Eyssen, care "Consolidia," save and except this one which was sent to Mount Nelson?—Yes.

James Joseph Cooke, examined on oath.

1524. *Chairman.*] What is your official designation?—I am officer in charge of the telegraph message section.

1525. I think you brought down a batch of telegrams that passed between the Chamber of Mines and Mr. van Eyssen between the 17th and 25th February, and between Mr. van Eyssen and the Chamber of Mines?—Yes.

1526. You handed that to Mr. Sturman?—Yes.

1527. Did you personally make search for all telegrams between the 17th and 25th February from the Chamber of Mines to Mr. van Eyssen and from Mr. van Eyssen to the Chamber of Mines?—Yes.

1528. This batch of telegrams that you handed to Mr. Sturman, does that contain all the telegrams that passed between those parties during that period?—Yes.

1529. *Mr. Beyers.*] Are they on the face of them complete?—I brought down all forwarded telegrams exchanged between Mr. van Eyssen and the Chamber of Mines, either "Bullion" or "Gemmill." That represents all the messages exchanged between these two parties.

1530. Are you in charge of the building containing these original telegrams?—Yes.

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[Mr. J. J. Cooke.]

1531. In the course of your experience are any original telegrams ever lost?—I could not say. With regard to any ever being lost, messages are not lost, occasionally they may be misplaced, but never lost.

1532. Misplaced in the same building?—Yes, but we find them eventually.

1533. These originals come up from all parts of the Union to the central building, are they never lost in transmission?—They are lost in transmission occasionally. They might be lost by a breakdown in the train or lost in the post, but we will have records of all such losses.

1534. You make a point of recording such losses?—Yes.

1535. In the building they may be misplaced but have never been lost to your knowledge?—Yes.

1536. How far does your knowledge extend?—About thirty-four years.

1537. Is there a return made by the sending post office of the telegrams sent, and that return is sent to the head office in Pretoria and the actual telegrams like these are checked with the return?—Yes.

1538. And that is where you discover any missing?—Yes, up to a point. We would know if there is a loss at once from the return.

1539. Every telegram is given a number?—Yes, when handed in at the counter they are numbered in sequence.

1540. You will at once notice missing numbers?—Up to a point. The number examination is not carried on completely. There is special authority to certain officers with regard to checking and the sequence of numbers.

1541. There are no numbers missing on these dates?—No.

1542. In this particular case with reference to these batches of telegrams there are none missing owing to your system of consecutive numbers?—Yes.

1543. And the presence of sequence in these messages shows that these messages are complete from Cape Town to Johannesburg and from Johannesburg to Cape Town?—Yes, and the branch offices; there are other offices involved besides Johannesburg and Cape Town.

1544. *Mr. Jansen.*] In going through these telegrams did you notice any from “Bullion” to any other party in Cape Town?—I only examined the records for the production of records between Mr. van Eyssen and the Chamber.

1545. In your search for these telegrams did you not notice any others sent?—I would not read them, I would only look for the production of messages covered by your subpoena.

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[Messrs. J. J. Cooke and E. C. Ellis.]

1546. Any code telegrams that may have been sent would these have been included?—There were no other messages between the Chamber of Mines and van Eyssen except those that are produced.

1547. *Mr. van der Riet.*] The name would not be in code?—The name is not in code.

1548. If there had been a code message despatched by “Bullion” or van Eyssen it will be here?—Yes.

1549. *Mr. Beyers.*] In searching for these telegrams among a mass of telegrams would you not look at the heading of other telegrams?—I looked at the headings.

1550. Are you in a position to say whether in doing that you noticed any telegrams from “Bullion” to other parties?—There may be messages from “Bullion” to other parties but I did not look for those.

1551. You have no recollection of that?—No recollection.

1552. *Chairman.*] Would you have all telegrams between certain dates kept together in such a way that you could look through whatever telegrams were sent over that period?—Yes.

1553. If, for example, the Committee were to ask you to look through all telegrams that passed from Johannesburg to Cape Town between the 21st and 24th February and *vice versa*, could you conveniently do that?—I could do that at once.

1554. Could you ascertain for us whether there are any other telegrams from the Chamber of Mines or “Bullion” or “Gemmill” to any other parties in Cape Town?—I could not answer that under the subpoena.

1555. I am asking you whether it is possible to get from these telegrams, telegrams from “Bullion” or “Gemmill” or the Chamber of Mines to any other parties in Cape Town, if they did exist they would be among the lot you had seen?—Yes.

Ernest Charles Ellis, examined on oath.

1556. *Chairman.*] What is your official designation?—I am senior clerk, telegraph delivery counter, Cape Town.

1557. Look at this telegram from “Bullion” to van Eyssen dated 23rd February, No. 1703. Can you tell me the hour at which the telegram was received here in Cape Town?—At 7 p.m. That is the receiving number here on the 23rd February, 1922.

1558. What time was that telegram delivered?—It left us at 7.10 p.m. I have it from my records produced, which shows

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[Mr. E. C. Ellis.]

when the message is sent out for delivery. It does not show to whom it was delivered.

1559. Where was this delivered?—At the Mount Nelson Hotel. It would leave the central telegraph office at 7.10 p.m.

1560. The actual time delivered does not appear?—No.

1561. If it left the office at 7.10 can you tell us approximately when it would be delivered?—I should say about 7.35.

1562. *Mr. Beyers.*] In the ordinary course at 7.35?—Yes.

1563. It should have been delivered by then in the ordinary course?—Yes.

1564. You do not keep a record of the actual delivery?—No ; the boys are timed out and in, and this boy was back at 8 o'clock.

1565. So at the latest it must have been delivered a little while before 8 o'clock?—Yes.

1566. If it had not been delivered the record would show it?—Yes.

1567. Under what circumstances would it not have been delivered?—At a place like the Mount Nelson if the addressee was not in or was not resident there or was not known it would be delivered to one of the hall porters at the hotel and left to them to decide whether they would keep it or otherwise.

1568. *Mr van der Riet.*] At some other places they leave a card?—Yes ; at an ordinary house.

1569. And in an office?—They leave a card and bring the message back.

1570. *Mr. Beyers.*] If he leaves a card and brings the message back it is recorded by you?—Yes.

1571. Then the addressee has to send for the telegram?—It depends on the time of the day ; in the ordinary business portion of the day we send it out after about half an hour again, and if late we keep it over the night.

Major Albert Edward Sturman, C.B.E., recalled and further examined.

1572. *Mr. Davis.*] Take a message like No. 1703 would it be an easy thing to forge the message itself?—It is quite impossible to forge this message, it is received here on our printed telegraph. It is impossible to forge that. It can be proved that it came out of the Creed receiving apparatus. I cannot conceive that it can be possible to reproduce this.

1573. *Mr. Beyers.*] On what sort of form is that message sent out?—On the ordinary message form, the difference is [S.C. 4-'22.]

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[Mr. A. P. J. Fourie, M.L.A.]

that instead of being written in pencil that is the tape as taken from our instrument direct from Johannesburg and stuck on here. The writing on the form by the clerk could also be identified. It is quite simple for members of the public to get these telegraph forms although they are not supposed to be in possession of such forms.

(At this stage Mr. Davis put in received portions of telegrams despatched from van Eyssen to "Bullion," Johannesburg, and from "Bullion" to van Eyssen, Mount Nelson Hotel, Cape Town, dated 23rd February, 1922.

1574. *Chairman.*] These are without doubt the original copies for delivery of these two original telegrams handed in for despatch?—Yes.

1575. This telegram, No. 1368, from van Eyssen to "Bullion" purports to be a telegram as ordinarily delivered by the telegraph office to the Chamber of Mines?—Yes: it purports to be the one delivered to "Bullion" on the 23rd February from van Eyssen and is in pencil.

Tuesday, 16th May, 1922.

PRESENT:

MR. BISSET (Chairman).

Mr. van der Riet.
Mr. Beyers.

Mr. Jansen.

* *Advocates Davis and Steyn* (instructed by Mr. C. W. A. Coulter of the firm of Messrs. Coulter & Co., Parliamentary Agents) appeared on behalf of Mr. J. L. van Eyssen.

Mr. Adriaan Paulus Johannes Fourie, M.L.A., examined on oath.

1576. *Chairman.*] You are member of the House of Assembly for Somerset East?—I am.

1577. I think you know something with regard to the subject matter of the enquiry of this Committee, more particularly the copy of the telegram which was shown?—It was shortly after the opening of the session, I think on Monday the 19th February, that Mr. van Heerden said something to

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me and on Wednesday the 22nd he said something to me again. We had repeated conversations. On Thursday the 23rd in the afternoon, the House was in session, and Mr. van Heerden came and sat down alongside me, where we sit together in the House, and he showed me what purported to be a copy of a telegram written on one of these little pads that we use in the House. I read the telegram.

1578. *Mr. van der Riet.*] Are you quite sure of the date?—Yes, it was on Thursday afternoon the 23rd February.

1579. *Chairman.*] Well, he showed what purported to be a copy of a telegram?—Yes, it was written in pencil and read something like this. I do not remember by whom it was sent, I know that it was stated on the telegram but I did not take particular notice of that, what I was more concerned with was the body of the telegram. It said “While not desiring to interfere with your discretionary powers would urge upon you to maintain our strict non-party attitude.” I am giving the words as nearly correct as possible as far as I remember them. Then it went on regarding General Hertzog’s motion “suggest matter be left to decision of the whole House.” I am very certain about the words “decision of the whole House.” The impression it left on me was that the Chamber of Mines was quite satisfied with what the House decided upon the matter. This was signed by J. L. van Eyssen.

1580. *Mr. Beyers.*] I do not suppose you know his handwriting?—No.

1581. *Chairman.*] Did you know who he was at the time?—Yes. Well, Mr. van Heerden then said that the telegram sent was not as emphatic as what Mr. van Eyssen was with him.

1582. You discussed the contents of the telegram with Mr. van Heerden?—Yes, and I made clear to him that the two points although not as emphatic as they should be were quite fair, the one is that Mr. van Eyssen has discretionary powers and the next is that the Chamber does not object or protest against General Hertzog’s motion provided it is carried by the decision of the whole House. That was my interpretation of it.

1583. Tell us what time this discussion took place?—Some time in the afternoon. I would not care to state any definite time, but I have an idea it was somewhere about 4 o’clock. We were sitting in our seats in the House. Mr. van Heerden afterwards tore up the copy and I remonstrated with him. He was sitting next to me in the House at the time he tore it up.

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1584. *Mr. van der Riet.*] When was that?—It was the same day I believe, but later in the afternoon.

1585. *Chairman.*] Had he torn it up before you remonstrated?—He was just in the act, and I said “Why do you tear up the thing,” and he said it is not as emphatic as Mr. van Eyssen told him.

1586. I think there was an occasion when you were present when Mr. Louw came up?—Yes. I believe that was on Friday the 24th February. Mr. van Heerden and I were having tea together in the lobby when Mr. Louw came up to us, and we both said to Mr. Louw “Why were you opposing General Hertzog’s motion seeing that both the labour people and the Chamber of Mines were agreeable to accept it.” Mr. Louw said “Who says so,” and Mr. van Heerden said “Mr. van Eyssen, he is here representing the Chamber of Mines, and he is in the House now.” Mr. Louw said “I want to go and see him.” Mr. Louw then left and we continued sitting at the table until a little while afterwards Mr. Louw and Mr. van Eyssen returned together. When Mr. Louw got to us again he said that Mr. van Eyssen said it is not so. Mr. van Eyssen took a seat but Mr. Louw remained standing. Just about then General Hertzog came up too and I believe Mr. van Heerden asked him to “come here.” Mr. van Eyssen said “I want to explain.” but Mr. Louw walked away and did not stop to listen. I said to Mr. Louw “That is not fair play, you should stay now.” Someone, whether General Hertzog or Mr. van Heerden, suggested that we should go into a room and we went round. There were Mr. van Eyssen, General Hertzog, Mr. van Heerden and myself. We went into the “Whips” room and found that occupied and then went into the writing room. There Mr. van Heerden at once asked Mr. van Eyssen why he denied it, saying he had told him previously he could preach it from the housetops. Mr. van Eyssen said “I want just to explain where the trouble is.” He had the motion of General Hertzog and then he explained to General Hertzog more particularly than to us, where his difficulty was. It was with the word “agreement” in the first part of the motion. Mr. van Heerden said to him “You have made me out to be a liar now Mr. Louw has gone away.” Mr. van Eyssen said he just wanted to explain that to make it clear. He and General Hertzog then spoke for a few minutes while I had some casual remarks to make to Mr. van Heerden and he to me. I was not particularly interested in what Mr. van Eyssen said to General Hertzog or what General Hertzog said to him. We did not remain there long and then we left.

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[*Mr. A. P. Johannes Fourie, M.L.A.*

I have an idea this occurred somewhere about 11 a.m. I would not be sure of the exact time, and would not commit myself to any particular time. I think it must have been in the morning because we had just had a cup of tea together.

1587. *Mr. van der Riet.*] General Hertzog was insistent it was in the afternoon?—I do not know what he said, but it may be. I would not be sure about the time.

1588. *Mr. Jansen.*] Do you know if you went into the House afterwards?—That I cannot remember.

1589. *Mr. Beyers.*] Could it have been in the afternoon?—It might have been, I am not at all sure about the time.

1590. Was there on this occasion an original or copy of a telegram shown to you?—Not to me or Mr. van Heerden.

1591. Were you and Mr. van Heerden at the tea table in the corridor?—At the beginning when the two others came up to us.

1592. Who was present when General Hertzog came up?—Then the four of us were there—Mr. van Eyssen, Mr. Louw, Mr. van Heerden and myself. I do not think there were any others present.

1593. *Chairman.*] Was nothing said with regard to a telegram received by Mr. van Eyssen from the Chamber of Mines, or a telegram or a copy exhibited in the writing room?—It was not shown to me, I could not say whether it was shown to anybody else. Mr. van Eyssen and General Hertzog were more directly engaged in this conversation and Mr. van Eyssen had his papers with him. They were looking at papers but whether he showed a telegram I cannot say.

1594. Can you remember whether anything was said about this telegram or copy of a telegram?—No, I do not remember.

1595. *Mr. Beyers.*] Can you tell me why Mr. van Heerden tore up this copy of the telegram in the House?—No, I could not say.

1596. When you remonstrated with him was he already in the act of destroying it?—He sits next to me and I saw him in the act of tearing it up and I said to him “Why do you tear it up” and he replied “it is not so emphatic as Mr. van Eyssen was.”

1597. *Mr. Davis.*] You cannot say how this alleged copy of a telegram that you saw was headed?—No, I cannot remember the heading, I know there was something else besides the body. I do not know in whose handwriting it was.

1598. Was it dated at all?—No, I do not think it was, it might have been.

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1599. Was the Chamber of Mines mentioned in it so far as you remember; actual mention of the Chamber of Mines?—No, I do not think it was.

1600. Was General Hertzog's motion mentioned in the body?—I believe it was.

1601. How do you fix the date at the 23rd?—By following up the previous events and conversations.

1602. From that you can fix the date at the 23rd?—Yes. I may say how I remember it was the 23rd because it was on Friday morning that General Hertzog said to me—there were two or three others—that it was quite correct that Mr. van Eyssen had complimented him on his speech and said if that motion was accepted the strike would be over in two days.

1603. Are you quite sure that you remonstrated with Mr. van Heerden when he tore up this thing?—Yes, I said “*waarom skeur jij die ding stukken.*”

1604. He tore it up because he said it was not as emphatic as Mr. van Eyssen?—Yes, he was not quite satisfied with the telegram.

1605. In fact I think he went a little further and said it was no good at all?—That I do not remember.

1606. That was the same afternoon?—It was the same day.

1607. In the afternoon or evening?—The same afternoon.

1608. On Friday the 24th was the Louw incident. In the lobby Mr. Louw said that Mr. van Eyssen denied having said this. Then what do you say was said? Did you say let us talk this out?—No, Mr. van Eyssen and Mr. Louw were first talking a few yards away, and then the two of them came up together and as they came up Mr. van Eyssen took a seat and Mr. Louw came round the table and stood looking at us and said Mr. van Eyssen says it is not so, and Mr. van Eyssen said “*Let me explain.*” Then Mr. Louw went away almost at once.

1609. Before General Hertzog had come up?—No, I think General Hertzog had come up.

1610. Then you went aside into the writing room?—Yes.

1611. There was no further discussion in the lobby as to whether Mr. van Eyssen was telling the truth?—There might have been a few remarks made.

1612. After Mr. Louw went away?—Yes we did not stay there we immediately went round.

1613. There was no standing there discussing?—No. either Mr. van Heerden or General Hertzog suggested that we go into a room and there the conversation took place.

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1614. When you got to the room Mr. van Eyssen pulled out a copy of General Hertzog's motion?—No I believe he had his little bag with him and had papers in his portfolio, and he either took it from the portfolio or from one of the Minutes on the table there.

1615. Then he said "I want to discuss this word 'overeenkomst' "?—Yes that is what they objected to.

1616. Then Mr. van Heerden tackled him?—Yes, Mr. van Heerden said "You did not tell me that you told me that I could preach it from the housetops, now Louw goes away and thus I am a liar."

1617. What did Mr. van Eyssen say to that?—He said he wanted to explain what his difficulty was, and he came back to the word "overeenkomst."

1618. Were you all standing together?—No, we were sitting down.

1619. By the same table?—No, between the tables. I took a chair from one table, Mr. van Heerden had another and Mr. van Eyssen and General Hertzog took two other seats.

1619a. You were all together?—Yes.

1620. Was there any discussion with you at all, or with Mr. van Heerden as far as you know about this telegram, or was anything shown to you?—No.

1621. And then as far as you know all that happened was that General Hertzog and Mr. van Eyssen were discussing this motion for a few minutes and then you all went out?—They were talking about the attitude of the Chamber of Mines and then we walked out. I did not stay there long.

1622. You have never seen the original of this telegram?—No.

1623. You saw nothing supposed to be an original?—No.

1624. General Hertzog says he was shown the telegram, did you know that that was so?—No.

1625. This copy that you saw on Thursday did you look at it at all, was it marked private or confidential?—No, I did not turn it over, he pushed it in front of me and I read it carefully and then I spoke about it.

1626. Are you clear it could not have been a note or part of a note?—No, it was not a note, certainly not.

1627. Why could it not be part of a note?—No, I am absolutely certain, the impression left on me was that it was the exact copy of a telegram.

1628. That is what you understood from Mr. van Heerden?—That is what I understood from the document itself and from Mr. van Heerden. It was so clear nobody could mistake it.

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1629. Do you know between the time that Mr. van Heerden showed you this and the time that he tore it up what became of it?—He handed it round to other members there.

1630. You do not remember to whom?—One I remember immediately in front of me, Mr. J. B. Wessels.

1631. You do not know what it was handed round as Mr. van Heerden regarded it as of very little use to him?—Mr. van Heerden had told me and I believe also some other members that Mr. van Eyssen had sent off a telegram that day to the Chamber of Mines asking them to confirm his statement and so we were expecting a telegram, and when Mr. van Heerden gave me that copy I took it to be the reply to the telegram that had been sent.

1632. *Chairman.*] To confirm what statement?—Mr. van Eyssen's statement to Mr. van Heerden that they accepted the motion and that he could preach it from the housetops.

1633. Not made to you personally?—No.

1634. *Mr. Davis.*] What time was it you first saw this telegram?—I would not commit myself to any time, it was some time during the afternoon.

1635. Do you know whether it was before or after tea?—It may have been between 3 and 4 o'clock, if my recollection is correct.

1636. You think it was before tea?—It might have been, I would not be sure about the time.

1637. *Mr. van der Riet.*] To me it seems to be a very important part of this whole matter. Do you know anything of the request of Mr. van Heerden to send a telegram?—Yes.

1638. How long before this?—I believe it was the same day.

1639. The same afternoon?—The same afternoon that he showed me the copy.

1640. Did you know he was sending a telegram that afternoon or morning?—He told me in the morning after he had seen Mr. van Eyssen again that Mr. van Eyssen had then offered to send a telegram to the Chamber of Mines to confirm his statement and we were expecting the reply.

1641. Mr. van Heerden told us that he spoke to Mr. van Eyssen and that Mr. van Eyssen then and there went to send off a telegram. Now he must have told you about that afterwards?—Yes.

1642. I find the telegram, which clearly seems to have been sent, is timed about 3 p.m. on Thursday. Mr. van Eyssen went immediately after Mr. van Heerden asked him. Mr. van Heerden says he was asked about 3 p.m. The telegram was sent from the Houses of Parliament. Could it have been the

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same afternoon the reply came?—The impression in my mind is this—that it was in the morning that Mr. van Heerden and Mr. van Eyssen had seen each other and it was in the morning or perhaps immediately after the House started in the afternoon he told me that Mr. van Eyssen had offered to send a telegram off, and I was expecting with Mr. van Heerden the reply during the course of the afternoon.

1643. When did General Smuts speak?—I believe it was on Tuesday.

1644. I am perfectly clear that Mr. van Heerden said that Mr. van Eyssen went to send the telegram away when he asked him. Now when did General Smuts speak?—I believe he spoke on Tuesday.

1645. The same day that General Hertzog moved his motion?—Yes.

1646. The telegram was sent from the House of Assembly. It is likely to be sent at once?—It would appear so.

1647. That was handed in at 3.44 on Thursday afternoon,. Could the reply have been shown to you the same afternoon?—No, it could not have been.

1648. Are you sure it was Thursday afternoon at all?—Yes.

1649. General Hertzog is positive it was shown to him by Mr. Havenga at lunch time before it was delivered to Mr. van Heerden?—No, I am quite sure it was not on Friday, it was on Thursday.

1650. The reply was handed to Mr. Havenga before the enquiry was sent off if handed in at lunch time on Thursday. Mr. Havenga is clear he got that in the morning and he showed it to General Hertzog at lunch time and brought it down that afternoon and handed it as he came into the House to Mr. van Heerden and it must have been according to him early on Thursday afternoon?—I know this that the House was sitting, we were busy, and then Mr. van Heerden got this piece of paper.

1651. Mr. van Heerden says this, that he tore it up the next day?—No.

1652. And you did not protest at all?—I said to him “Waarom skeur jy die ding stukke.” Of course these little remarks are not always remembered, one man perhaps remembers one thing and another the other. What I am clear about is the wording of the telegram.

1653. General Hertzog—when we come to the conversation in the writing room—says that was on Friday?—Yes.

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1654. In the afternoon?—Yes, I think that is right. I think it was in the afternoon, I had an idea it was in the morning but I think it was in the afternoon.

1655. General Hertzog tells us in your presenee Mr. van Eyssen showed him the original telegram?—What you must bear in mind there was no doubt in my mind nor in Mr. van Heerden's mind that such a wire had been sent.

1656. General Hertzog says this in question 937 (reads question)?—Mr. van Heerden did not refer to the telegram.

1657. It was clear from General Hertzog that the telegram was shown to him and was even discussed in your presence?—That may be between General Hertzog and Mr. van Eyssen, but it was not shown to me.

1658. There are four of you standing together and Mr. van Eyssen is questioned and he produces a telegram and you say you know nothing about it?—If you take in view the positions we occupied there, we were not all sitting huddled up together, Mr. van Eyssen and General Hertzog were at one end of the two tables and we were at this side.

1659. *Mr. Beyers.*] Were you all standing?—We were all sitting, we each had a chair.

1660. *Mr. van der Riet.*] It is a very difficult thing to understand how this document could be dealt with there, spoken about, taken from a portfolio and discussed and you knew nothing about it?—If you take into consideration what was in our minds at the time. Mr. van Heerden had assured me from time to time that Mr. van Eyssen on behalf of the Chamber of Mines was agreeable and he now turned round. I was pretty disgusted with his attitude and especially when Mr. Louw ran away, I had also assured him in the conversation that the Chamber of Mines was agreeable to accept the motion, strictly on what Mr. van Heerden had from time to time told me.

1661. *Mr. Beyers.*] That would be more reason for you to notice whether the telegram was shown or discussed?—I had seen the copy of the telegram myself but Mr. van Heerden said it was not so emphatic, and Mr. van Eyssen was, and I accepted what Mr. van Heerden stated.

1662. Was the probability not that if such a telegram was discussed you and Mr. van Heerden would have remembered it?—The position was that General Hertzog and Mr. van Eyssen got into conversation about the motion itself, and I sat on the other side talking to Mr. van Heerden.

1663. *Mr. van der Riet.*] The petition with which we are dealing alleges that the original telegram was shown to you

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two in that room?—No, it was not shown to me, that I am very clear about, I never saw any original. I never for a moment doubted that such a telegram was sent; I had seen the telegram from the Chamber of Mines which they allege was the only telegram.

1664. The petition says the telegram was shown to two honourable members of the House?—No, I did not see the telegram there, they were discussing and had the papers in front of them.

1665. *Mr. Beyers.*] When you were in the writing room and when Mr. van Heerden attacked Mr. van Eyssen and said “You told me I could preach it from the housetops and now you make me a liar,” did Mr. van Eyssen then say that what he had said was that it was immaterial to the Chamber of Mines whether it was a Select Committee or a Commission appointed under General Hertzog’s motion or by the Government. Did he give any such reply to Mr. van Heerden’s statement?—That is the gist of what was said in the writing room.

1666. Where was it that Mr. van Heerden attacked him?—When we went to sit down in the writing room and Mr. van Eyssen said “We do not mind if it is a committee appointed by Parliament or a Select Committee, our objection is to the word “overeenkomst,” I want to explain that to General Hertzog. Mr. van Heerden said “But you made no reservation when you told me that I could preach it from the house-tops.”

1667. Is it possible that there is some mistake and that the copy of the document shown you was simply a note from Mr. van Eyssen to Mr. van Heerden in which he protested against the calling out across the floor of the House that the Chamber of Mines was prepared to accept General Hertzog’s motion?—No, I am very positive about the telegram, I remembered the words so well I could write them down; there was no chance of a misunderstanding with regard to that copy of a telegram. It was not in the form of a note, it was in a form that anybody reading it would immediately take it to be a telegram. I remember it was signed by him. What it conveyed to me was to assure me that he had authority to speak on behalf of the Chamber of Mines.

1668. *Chairman.*] Do you know whether the word “Bullion” was on this piece of paper?—I cannot swear to that.

1669. Did you at any time see anything in the form of a note from Mr. van Eyssen to Mr. van Heerden complaining [S.C. 4—’22.]

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of interjections in the House as to the attitude of the Chamber of Mines?—No, that I did not see.

1670. Did you happen to look at the back of this communication that Mr. van Heerden showed you?—No, I do not remember having looked at the back.

1671. *Mr. Beyers.*] Do you and Mr. van Heerden occupy seats near to one another?—Next to each other.

1672. *Chairman.*] With regard to the tearing up of this piece of paper Mr. van Heerden was asked whether you made any objection to his destroying it, whether you did not warn him not to do so (*Question 506*) and he said No. When you remonstrated with him you say it was in the act of his tearing it up?—Perhaps remonstrate is rather a strong word; as he was tearing it up I said “Hoe kom maak jy die ding stukkend,” and he said “Oh, it is alright.”

1673. He answered your remark?—Yes.

1674. Did you regard that information as of importance?—No, I may say that I was disappointed with the gist of the telegram, to me also it was not as absolutely clear and emphatic as Mr. van Heerden led me to believe that Mr. van Eyssen was; still I considered it important for this reason that the Chamber of Mines did not protest against the motion, and I would have kept it.

1675. *Mr. Beyers.*] It may be because you are a lawyer?—Maybe.

1676. Had you any idea at that time that it might become of importance?—No, that I would not say, but a document of that nature I would not destroy.

1677. *Chairman.*] At this interview in the writing room, you are sure you were all seated?—Yes, as far as I can recollect.

1678. Who was next to you?—I sat at the corner of a table and Mr. van Heerden next to me, I believe Mr. van Eyssen was exactly opposite me, and General Hertzog was close to him. We were not sitting at the table, but in between the tables.

1679. You must all have been within a yard of one another?—Yes, perhaps four or five feet apart.

1680. Can you say how the conversation started, who started it?—Mr. van Heerden. That was what we went there for.

1681. What was the remark with which he commenced the conversation?—It is very difficult to give the exact words, but he distinctly said “Daar loop Louw nou weg, jy ontken dit by Louw, wat het jy aan mij gesec.”

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1682. Was anything said with regard to making anything known from the housetops?—Yes, Mr. van Heerden said “You told me I could preach it from the housetops and now you say it is not so to Mr. Louw,” then Mr. van Eyssen said “I would like to explain,” and Mr. van Heerden said “You made no reservation when you spoke to me and now Louw has run away and thinks I am a liar.”

1683. Did General Hertzog take part in the conversation at all?—Yes, with Mr. van Eyssen. He did not take part in what Mr. van Heerden was saying, but then Mr. van Eyssen said “I would like to explain,” and then he was explaining and pointing out to General Hertzog.

1684. What were you and Mr. van Heerden doing when he was explaining to General Hertzog?—Listening in between, and I spoke to Mr. van Heerden and he spoke to me and made some remarks about Mr. Louw’s attitude in running away.

1685. When Mr. van Eyssen came into the room had he anything in his hand?—Yes, I believe he had a little portfolio with him.

1686. Do you know whether he took anything out of that portfolio?—He had it open, whether he took out anything I cannot say, he had papers in his hand.

1687. Do you remember General Hertzog expressing any opinion as to the attitude of the Chamber at that interview?—No.

1688. Do you remember any criticism at all with regard to anything in the nature of a telegram?—No.

1689. I want to read to you General Hertzog’s version of what took place (*reads questions 933 and 934*). You say you saw nothing of that?—No. I would not say that it did not happen, they were talking and exchanging papers but I did not see the telegram.

1690. *Mr. van der Riet.*] Where did you see them talking and exchanging papers?—I said just now they were talking and Mr. van Eyssen had papers in his hand. General Hertzog and Mr. van Eyssen were more directly engaged in this conversation. I took no particular interest in the telegram if it was discussed, what I was more concerned about was Mr. van Eyssen’s emphatic statement to Mr. van Heerden and Mr. van Heerden to me.

1691. *Chairman.*] You say you did not yourself see any telegram or what purported to be a telegram exhibited to General Hertzog?—No.

1692. You did not hear any criticism made with regard to the contents of that telegram?—I do not remember that.

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1693. You did not hear General Hertzog make any comment upon it such as that he thought the position taken up by the Chamber of Mines was fair?—No, I do not remember it.

1694. Because you see that really is according to General Hertzog the conversation substantially that took place in that room?—I do not think Mr. van Heerden can be clear on it, and I did not take interest in the conversation carried on between General Hertzog and Mr. van Eyssen.

1695. Was not their object in getting General Hertzog into that room to let him hear definitely the re-statement of what Mr. van Eyssen's attitude was, or what Mr. van Eyssen said his attitude had been?—I do not know why Mr. van Heerden called him in. I was disappointed because I had put it to others that the Chamber of Mines were agreeable to accept this motion, so the moment that Mr. van Eyssen said "We have this reservation" we objected to this, I was disappointed.

1696. *Mr. Beyers.*] The whole thing was practically a confrontation, Mr. van Heerden wanted to confront Mr. van Eyssen?—Yes, with his statement, not with the telegram.

1697. *Chairman.*] Was not the point this, Mr. Louw had told you that Mr. van Eyssen denied that the Chamber of Mines had accepted General Hertzog's motion?—That they were agreeable to accept.

1698. You did not expect that conversation, you and Mr. van Heerden?—I would not say that I was surprised when Mr. Louw came with Mr. van Eyssen and made this statement, and I wanted to hear what Mr. van Eyssen had to say about it.

1699. You went into the room to ascertain what Mr. van Eyssen had to say?—To Mr. van Heerden about his statement.

1700. About what Mr. Louw had just alleged?—Yes.

1701. You brought General Hertzog in to hear?—I do not know why General Hertzog was brought in. Mr. van Heerden said to him "come here."

1702. *Mr. Jansen.*] The chief man you wanted in was Mr. Louw?—Yes, because I wanted to clear myself too because I had put it to people, and I had said to Mr. Louw that the Chamber was agreeable to accept this motion, based on what Mr. van Heerden had been telling me from time to time.

1703. *Mr. Beyers.*] You could not have Mr. Louw in without having Mr. van Eyssen also in?—Mr. Louw was the one man we wanted in.

1704. Would that have been of any value to you in the absence of Mr. van Eyssen?—No, we wanted Mr. van Eyssen there.

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1705. You were anxious to have these two in and you got only one?—Yes, one of the two I wanted in.

1706. *Mr. van der Riet.*] You did not hear a word from Mr. van Eyssen personally?—No.

1707. You had seen the copy of the telegram. You did not mention that at this meeting, or tell General Hertzog in Mr. van Eyssen's presence?—Not by me, nor by Mr. van Heerden either.

1708. You heard no mention by General Hertzog?—I am not prepared to say it was not mentioned by General Hertzog and Mr. van Eyssen, but I do not remember it.

1709. You did not hear it?—Or did not hear it.

1710. Is your recollection so bad, if it had been mentioned you must have heard it?—No, my recollection is pretty good with anything I take an interest in. I may have heard it but do not remember it.

1711. Such an important thing as the document being produced there?—What was of great importance to me at that time was to clear up this matter between Van Eyssen and Louw and Van Heerden and myself. I was in a bit of a temper on account of Louw's action in running away, pretending we were liars. I was disgusted he would not come in, and the great thing which concerned me at that time was this trouble between Van Eyssen and Louw and Van Heerden in which I was accidentally thrown in myself. I was not concerned with Mr. van Eyssen's explanation about the motion, I wanted Mr. Louw to come in and get this matter cleared up.

1712. He had left when you came into the room?—Yes.

1713. You never heard Mr. van Eyssen say that the Chamber would be satisfied?—No.

1714. Did you not then refer to the telegram?—No, and the telegram does not say that they accept it, they leave it to the decision of the House. Mr. van Heerden said to Mr. Louw and I also said to him, that the Chamber are agreeable to accept and that was based on Mr. van Eyssen's emphatic statement to Mr. van Heerden, and it was not objected to by the telegram.

1715. We have it you did not consider the telegram was an acceptance of the motion?—I did not consider it was an emphatic direct acceptance, but that taken in conjunction with Mr. van Eyssen's statement.

1716. But why did you not bring it up?—If it had to be brought up then the telegram should have said "we agree to accept General Hertzog's motion," that the telegram did not say: Mr. van Eyssen was the important man there, it

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was his statement which would lay down the law, the telegram only went so far as to say he had discretionary power, the Chamber would be agreeable to whatever the House decided, but Mr. van Eyssen's statement led me and Mr. van Heerden to say that they will accept it.

1717. How is it you took no part in the conversation with Mr. van Eyssen?—I was only present at one conversation when Mr. van Eyssen explained the mines and the rate the men were paid; that was earlier in the week. I was never present at any other conversation.

1718. *Mr. Beyers.*] Were there other people in the writing room at the time?—No, I do not remember anybody else being there. I think General Hertzog is right, it was in the afternoon that that conversation took place, because I have a recollection that there were some other members standing about there and I do not think they would have been there in the morning.

1719. *Chairman.*] From the account General Hertzog has given us of this interview when you got into the room Mr. van Heerden rather challenged Mr. van Eyssen as to what his position actually was in the presence of all of you. Let me read you the latter part of question 932. (*Reads*). According to that version it appears that Mr. van Heerden really in a sense challenged Mr. van Eyssen as to what his attitude really was. Do you agree with that?—Mr. van Heerden really wanted an explanation from Mr. van Eyssen as to why he took up that attitude.

1720. He wanted an explanation to all of you in that room, made in the presence of all of you in that room?—And to satisfy himself.

1721. Then as that explanation was asked for is it not rather strange that you should not take notice of the reply Mr. van Eyssen gave. You see the reply according to the evidence we have got here was this "Mr. van Eyssen then produced a telegram and handed it to General Hertzog"—all that you did not notice?—No.

1722. You know nothing about that?—No.

1723. Although that must have been the reply that Mr. van Eyssen gave to the challenge that had been made as to his attitude?—I think you are putting a wrong construction on it altogether. The telegram was not the document which says that the Chamber of Mines was accepting General Hertzog's motion, the telegram said nothing about that, it said nothing more than what I knew. Mr. van Eyssen was the man who said "we are agreeable to accept it"; and the point there was, what Mr. van Heerden wanted an explanation

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about, why Mr van Eyssen should have told Mr. Louw that they were not accepting the motion whereas he had told him that they were agreeable to accept it.

1724. According to the evidence Mr. van Eyssen's reply to Mr. van Heerden's demand for an explanation was to produce this telegram, if you were all there to receive that explanation it seems to me so strange that you should not have any recollection of anything of that kind being done?—What I recollect was Mr. van Eyssen immediately said “I will explain to you what our position is,” and that he took General Hertzog's motion and referred to that and said those words “or agreement” and this “*status quo*” were our trouble. He went into the merits of the *status quo* with General Hertzog of which I had heard nothing before.

1725. Mr. van der Riet.] How long did the whole conversation last?—I do not think it lasted five minutes. Mr van Heerden said “You did not make any reservation when you spoke to me, you told me that I could preach it from the housetops.” then Mr. van Eyssen said “I will explain what I mean.” and the explanation went on. I do not think the telegram was the first thing to be shown; any writing that was referred to was the motion.

1726. Mr. Davis.] Can you give some description of this portfolio that Mr. van Eyssen had?—I think it is a small leather thing, a very small one, about foolscap size.

1727. A sort of thing with straps?—No, I do not think it had straps, if I remember rightly it is rather a pretty little thing. It may be this despatch case produced (Mr. van Eyssen's) but I think it was a little smaller than that.

1728. It may be a despatch case, not a portfolio?—I do not know any difference.

1729. When Mr. Louw came back was anything said to him about a telegram by you or Mr. van Heerden, that you had seen a telegram with your own eyes?—No, we said to him that the Chamber of Mines are agreeable to accept; he said “Who says so,” and we said “Mr. van Eyssen, he is here representing the Chamber of Mines,” and he went off to see him.

1730. Why when Mr. Louw was doubtful about this did you not at once, or Mr. van Heerden, say “have you any doubt because we have just seen a copy of a telegram”?—I am glad you asked that question. I want to explain again. The telegram does not emphatically state that the Chamber of Mines accepts General Hertzog's motion. The telegram was taken by us as following up Mr. van Eyssen's emphatic statement.

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He was the one who accepted it and the telegram only bore out his contention in so far as it gave him discretionary powers and warned him not to be dragged into party matters, that they were agreeable that the matter be left to the decision of the whole House. So I could not convince Mr. Louw from the telegram that they were accepting it because the telegram does not emphatically state that they do accept it.

1731. But Mr. van Heerden told us specifically that if he had the telegram there he would have shown it to Mr. Louw?—Probably he would have. But this telegram was worth only what Mr. van Eyssen was prepared to say. If he said “No, I am not agreeable to accept it.” then I do not see that the telegram would have brought us any further, because it gave him the discretion and I went more on what he said than on the telegram itself accepting. At the conclusion it says that the matter had better be left to the decision of the whole House, which I took to be, if Mr. van Eyssen was agreeable, and the whole House decided that General Hertzog’s motion be accepted, then we have no objection.

1732. *Mr. van der Riet.*] As far as I can make out this conversation with Mr. van Eyssen was the first meeting of Mr. van Heerden and Mr. van Eyssen after the receipt of the copy of the telegram?—That may be.

1733. You asked the Chamber of Mines to get a definite statement as to their attitude and this is what was received?—The question of Mr. Louw’s incident cropped up in between.

1734. *Chairman.*] General Hertzog says Mr. van Eyssen referred to the words “or agreement” in his motion, but he puts that apparently at the end of the conversation just before he left the room, you now instead put that in the beginning?—My impression is that that was at the beginning. Mr. van Eyssen did not offer an explanation to Mr. van Heerden as to why he said what he did say to Mr. Louw: he said he wanted to explain the motion and his trouble with regard to the words “or agreement.”

Jan Hendrik Hofmeyr de Waal, M.L.A., examined on oath.

1735. *Chairman.*] You are member of the House of Assembly for Piquetberg?—Yes.

1736. You wish to give some evidence with regard to the matter referred to this Committee?—Yes. I may say that I did not take any particular interest comparatively in this Rand strike and the whole debate, I made no speech on the Second Reading at all. I thought it was more a Transvaal

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matter, so I was not very keen at all, but I saw Mr. van Eyssen in the lobby, and I saw him approach several members and I avoided him, because I did not trust the Chamber of Mines, and I told that straight away. I had heard shortly after General Hertzog had introduced his motion—of course, it is hearsay—that Mr. van Eyssen told various members that the Chamber was disposed to accept the motion. I never asked him whether that was so or not. Towards the end of February—I cannot remember the date—on Thursday or Friday in the same week as the motion was introduced I passed in the lobby and some gentlemen, I forget who, were standing there, and Mr. van Eyssen was introduced to me casually, I am not certain by whom, but I fancy it was Dr. Visser. I did not speak to him on the subject at all, and as I was going away he followed me, and he told me that we—the Nationalists—should not be under the impression that the Chamber of Mines were co-operating with the Government, because as a matter of fact the Chamber of Mines and the Government were frequently in disagreement, and they were so on this occasion, and as regards General Hertzog's motion, the Chamber was disposed to accept it with some slight modification. Well, I did not ask him any questions, this statement was made to me quite uncalled for, I simply said I had heard this before, that they were so disposed, and I left him. I did not ask him what the modification was and he did not show me any telegram either. I did not encourage the conversation. A few days later—I believe on Monday, and that is the only time I spoke again with him, a couple of words—Mr. Steinmeyer of *Die Burger* came into the lobby and asked whether I thought it would be advisable, as more persons had suggested to him, that he should have an interview with Mr. van Eyssen. I saw Mr. van Eyssen in the lobby, and thought it would be advisable. I took Mr. Steinmeyer to Mr. van Eyssen and brought them into the Whips' Room for this interview. When the interview took place I was not present, I did not take sufficient interest, and that is the only conversation I had with Mr. van Eyssen. I was surprised when on reading the interview in *Die Burger* that it did not bear out what Mr. van Eyssen had told me. That was I believe on the 28th February. I never spoke to Mr. van Eyssen again, but I warned some of my friends. Some time afterwards I received a telegram from the Chamber of Mines along with other members. I did not know when I got that telegram that it was sent to other members as well. I thought it was sent to me in my capacity as junior

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whip and immediately drafted a reply, but before I had sent the reply I heard it was a general telegram sent to members, anyhow I did send a reply and I got a reply again from them.

1737. *Mr. Beyers.*] Is there anything in the telegram you sent to the Chamber of Mines and in their reply to you that will throw any light on the question?—I said in the telegram that Mr. van Eyssen had told me that the Chamber of Mines was disposed to accept the motion of General Hertzog, and their reply was that the attitude of the Chamber will be seen in telegrams which had been sent and published.

1738. *Mr. van der Riet.*] Then you did not correctly represent in the telegram what Mr. van Eyssen had told you?—I said they were disposed to accept it.

1739. With alterations?—With slight modifications.

1740. *Chairman.*] The first conversation you had with Mr. van Eyssen when he spoke about the attitude of the Chamber of Mines was that *apropos* of anything that had been said in the conversation going on in the crowd?—No, of nothing.

1741. *Mr. Beyers.*] Was this a conversation between you and Mr. van Eyssen apart from the others?—Yes.

1742. Had he followed you?—Yes, I was just moving off about two yards, it was just in the lobby at the entrance.

1743. When you exchanged these few words with him were the two of you alone?—Yes. It was on Thursday or Friday of the same week that the motion was introduced and the interview I have referred to took place on the following Monday.

1744. About the 27th February?—Yes, as far as I remember. I will not be positive about it.

1745. You say you avoided Mr. van Eyssen?—Yes.

1746. Why?—Because I did not trust the Chamber of Mines and I did not trust his face. He never before attempted to approach me.

1747. *Mr. van der Riet.*] I should like to get some better idea of the time of the first conversation, you say it was Thursday or Friday?—Yes, it was a couple of days before the interview, therefore I think it was Friday, it may even have been Thursday.

1748. What time of the day?—In the morning.

1749. You are sure it was in the morning?—That is my recollection. I no longer have the memory I had when I was young.

1750. *Mr. Davis.*] Mr. Webber made his speech on Thursday,

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do you remember that?—I was not there but I remember he spoke.

1751. And General Hertzog left for the north on Saturday?—Yes.

1752. And Mr. Malan the Minister of Mines spoke on Friday and General Hertzog left on Saturday, does that help you to remember?—I know when General Hertzog left.

1753. Why did you say General Hertzog had already left?—I wanted to warn him.

1754. General Hertzog left on Saturday night?—Yes, I know. Mr. Steinmeyer had that interview with Mr. van Eyssen on Monday. At any rate I did want to warn him.

1755. *Mr. Beyers.*] Are you referring to the first conversation?—Yes. I think it was Friday before the interview but I am not certain. I should say it was about three days before the interview, I felt I should have warned General Hertzog previously and I felt I had not done my duty towards him.

1756. *Mr. van der Riet.*] Why could not you find him?—He was away, that was at the time of the interview.

1757. Your answer is with regard to the interview that you wanted to warn General Hertzog?—No, I say General Hertzog was there still when Mr. van Eyssen spoke to me, and afterwards I felt I was so disinterested I did not speak to General Hertzog and I should have warned him, I felt that he was far too trusting.

1758. *Mr. Davis.*] You did not go into the question at all with Mr. van Eyssen how much of the motion he accepted and how much he rejected?—No, I did not but he gave me the impression that if needs be they will accept the whole motion as it stood.

1759. What did he say?—He said “kleine wysigings.”

1760. Was the question as to who was to appoint the commission gone into?—No, not at all. I did not encourage him in his conversation at all.

1761. And you did not put much faith in what he said or pay much attention to what he said, you distrusted him?—I know what he did say. When he said to me that the motion would be acceptable I said to him that I heard this before, because I had heard of it before.

1762. *Mr. van der Riet.*] You say that he gave you the impression that they would accept the motion as a whole?—Yes, if necessary if they could not do otherwise. He started by saying that they were willing to agree to the motion, he said afterwards “met kleine wysiginge.” I felt they were quite prepared to accept the motion if they could not do

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otherwise but if they could get slight amendments they would be glad, otherwise it would suit them.

1763. *Mr. Beyers.*] How long did your conversation last?—Not more than five minutes.

1764. *Mr. van der Riet.*] You never saw any telegram or copy?—No, he did not speak to me about any telegram nor show me any copy.

1765. Nor did Mr. van Heerden show you a copy?—No, they all spoke about a telegram but they did not show it to me neither did I ask them to see it.

1766. Nobody showed you any copy of the telegram?—No.

Mr. Charles Arthur Augustus Sephton, M.L.A., examined on oath.

1767. *Chairman.*] You are member of the House of Assembly for Albert-Aliwal?—Yes.

1768. *Mr. Davis.*] You know Mr. van Eyssen, I think?—Yes.

1769. Can you tell me this, did you at any time after the House had risen in the evening go home with Mr. van Eyssen?—You refer to the strike debate period?

1770. Yes, during the week 20th to the 25th February?—Yes, I remember accompanying him on two occasions, of Friday the 24th I am certain.

1771. You fix that I think by a certain speech that was made?—Yes, as Mr. van Eyssen joined us and we went up the Avenue together, he was with my daughters, and as we were approaching the further end of the avenue Mr. Malan joined us and he and I then got into conversation about a speech he made that evening. He concluded his speech that Friday evening, I am quite clear about that.

1772. That was immediately after the House rose?—We went straight away from the House up the avenue.

1773. *Mr. Beyers.*] That night did the House adjourn at 11?—Yes, the House adjourned just before 11.

1774. *Mr. Davis.*] Do you remember was Mr. O'Brien there that night?—Yes. I remember him being with us on one or more of these occasions. I could not swear that he was with me on that particular occasion.

1775. Now you say one or more of these occasions, what other night did you walk home with Mr. van Eyssen?—On the previous evening on Thursday.

1776. And Mr. O'Brien was with you on one other of these occasions?—Yes, I am quite clear about that.

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[*Mr. C. A. A. Sephton, M.L.A.*

1777. Were your daughters there on Thursday night too?—Yes, they were there on both occasions.

1778. *Mr. Jansen.*] On these two occasions did Mr. van Eyssen accompany you from the House?—Yes.

1779. Where to?—On one occasion up to the top end of the avenue where we parted. on the other occasion, it was Friday, he went with us as far as the Cadarga Hotel, there we parted, we went in and he came back.

1780. *Mr. Beyers.*] Your daughters were present on both occasions?—Yes.

1781. Did you say Mr. O'Brien might have been present on both occasions too?—I know he was present on one or other or more of these occasions.

1782. Do I understand then there were three occasions?—No, one or other of these occasions, I am sure of it.

1783. You refer only to two occasions?—Yes, to two occasions, namely, the 23rd and 24th February, Thursday and Friday evening.

1784. Are you quite certain about these nights?—I am certain about Friday.

1785. *Mr. Jansen.*] You are not certain about Thursday?—I feel positive about Thursday, because it was the only other occasion on which the House had sat in the evening since the opening.

1786. *Mr. Beyers.*] Now which are you positive about, Thursday or Friday?—Friday.

1787. You are not certain about Thursday?—I am not certain beyond the fact that I believe it to have been Thursday.

1788. *Mr. van der Riet.*] Was it also at night?—Yes.

1789. Late at night?—Yes.

1790. Before the Friday or after the Friday—the other occasion?—It could not have been subsequent to the Friday because we did not sit at night for a good long period during the strike debate ; that confirms me in my belief.

1791. Can you tell when your daughters left?—They left in March.

1792. So they might have been walking up the avenue with you on other nights as well?—I think as a matter of fact they did on subsequent occasions.

1793. Of Friday night you are certain, and we want to know whether you can be certain of Thursday night also ; if it was before Friday it could only be Thursday?—I have no doubt in my own mind that it was Thursday but would not like to swear because I cannot fix it sufficiently in my mind as I can do in regard to Friday night.

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1794. You fix it as Friday night because that was the night on which Mr. Malan made his speech?—Yes, and I had tea with him in the House, and my daughters should have had tea with us too, but Mr. van Eyssen had asked them, I understand, to have tea elsewhere, and so our party broke up; they went out and had tea down town, and I had tea with Mr. Malan in the House. That was before the House rose, and when the House rose Mr. van Eyssen and my daughters were on the way up, and I am not sure whether I met them at the entrance or whether they came in and met me in the hall. On one occasion they met me in the hall and on the other we met just outside the steps leading into the avenue.

1795. What time did Mr. Malan conclude his speech?—I am not sure of the time but I think Mr. van Hees followed him. It could not have been very late.

1796. You are certain it was his speech on the Hertzog motion?—Oh, yes, because he and I referred to it on the way going up. I remember several remarks he made in the conversation.

Mr. William John O'Brien, M.L.A., examined on oath.

1797. *Chairman.*] You are member of the House of Assembly for Maritzburg South?—I am.

1798. *Mr. Davis.*] Do you remember at any time during the week, 20th to 25th February, that is the week during which General Hertzog introduced his motion on the strike, walking home after the House had risen in the evening, with Mr. van Eyssen?—Yes.

1799. What nights or night did that take place?—On Thursday night and on Friday night.

1800. Do you remember anybody else being there?—Yes, Mr. Sephton and his two daughters were there both nights, and on the second night Mr. Malan, the Minister, was there.

1801. Are you quite certain about it?—Absolutely.

(*Mr. Davis asks the Committee whether he would be allowed to put a question to the witness as to whether he had any discussion with Mr. van Eyssen about the motion and what Mr. van Eyssen told him about the attitude of the Chamber of Mines because General Hertzog had stated that he believed that Mr. van Eyssen had made similar statements to members of the South African Party.*)

1802. *Chairman.*] It has been stated here by General Hertzog that he was under the impression that Mr. van Eyssen had told members of the South African Party also that the Chamber of Mines was prepared to accept General Hertzog's motion or

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[Mr. W. J. O'Brien, M.L.A.]

would have no objection to it. Now, did Mr. van Eyssen at any time tell you that the Chamber was prepared to accept that motion or would have no objection to it, or say so in your presence?—No.

1803. Did you have a discussion with van Mr. Eyssen on the subject of the motion?—Yes.

1804. *Mr. Davis.*] When would that be?—I arrived here on Sunday afternoon, the 19th February, and I had dinner with Mr. van Eyssen on Sunday evening and we discussed it. I had seen it in the newspaper as I came along. I got the newspaper at Touws River. I was in intimate touch with him right throughout the whole week.

1805. *Mr. Beyers.*] These two occasions were Thursday and Friday nights?—Yes.

1806. You accompanied Mr. van Eyssen or he accompanied you up the Avenue?—Yes, from the gate of the House.

1807. What time of the night on Thursday?—About 5 minutes to 11.

1808. And Friday?—The same time.

1809. Where did he join you?—I met them at the gate with Mr. Sephton, and he introduced me to his two daughters, and that is what impressed me.

1810. Was it quite accidental?—Apparently.

1811. It was not by appointment?—No, by no means. The following evening was the same thing except Mr. Malan walked up with us.

1812. What was your destination?—My home, I live just behind the Mount Nelson, he is at the Mount Nelson and I met him several times during that week. The second night I went on to the Cadarga and we parted and Mr. Malan and myself walked away and he went on with Mr. Sephton and his daughters. That was on the Friday night.

1813. On the Thursday night where did you part?—On both nights right at the top of the avenue. On Thursday night he went with them to the Cadarga and on Friday, as far as I remember, Mr. Malan and myself walked on and we parted at the top of the avenue, and Mr. van Eyssen went across into the Mount Nelson Hotel. I would not swear to that. On Thursday night, as far as my memory goes, he went to the Cadarga.

1814. Are you quite sure that on Thursday and Friday night he walked to the top of the avenue?—There is no question whatever about that, I am absolutely certain.

1815. *Chairman.*] On Thursday the House sat until 11 o'clock, do you know whether Mr. van Eyssen was in the [S.C. 4—'22.]

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[*Misses. W. J. O'Brien, M.L.A., and
J. L. van Eyssen.*]

House all that evening?—I remember he was in the House, but I would not say all evening; I know he was in the House during the evening on Thursday.

1816. Do you remember any particular time that you saw him there?—I really could not say. The question was not important to me at the time and it is difficult to remember, the other matters were impressed upon me by the fact of Mr. Sephton introducing me to his daughters. I had never met them before.

1817. On Friday do you remember seeing Mr. van Eyssen in the House at any time during the evening?—I saw him in the House during the day and in the evening, and communicated with him in the evening in the House.

1818. You would not know what time that was approximately?—I could not say, my impression was that he was in the bay pretty well the whole evening.

1819. *Mr. Jansen.*] Did Mr. Sephton and his daughters accompany you on both occasions?—Yes.

1820. Had Mr. van Eyssen come out of the House when you joined at the gate?—I do not know, I met him just by the gate.

1821. Was he coming up the lane?—No; apparently the Misses Sephton had also been in the House.

1822. Did he come out of the House or from elsewhere?—So far as I remember he came out of the House and came down the passage outside the members' corridor.

1823. On both occasions?—Yes; so far as I know. On the first occasion I know he had been in the House, and Mr. Sephton's daughters had been there; they came out with their father.

Mr. Jacobus Lodewicus van Eyssen, examined on oath.

1824. *Mr. Davis.*] You are a mining engineer by profession?—Yes.

1825. At present you are managing the Frank Smith Diamond Mine, near Kimberley?—Yes.

1826. In February did you get a message from the Chamber of Mines to come up to Johannesburg?—Yes.

1827. And when you got there whom did you see?—Mr. Gemmill.

1828. Who is he?—He is the secretary and actuary of the Chamber.

1829. When you went up there were you cognisant at all of

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what had been going on between the Federation of Trades and the Chamber?—Yes, intimately.

1830. Did you know the details of the proposals and counter proposals?—I knew every detail.

1831. I think subsequently in March you yourself compiled a chronological note of the dispute?—Of the negotiations, yes.

1832. That contains the proposals of the Chamber and the attitude the Chamber was taking up, and the attitude that the Federation of Trades was taking up?—Yes.

1833. You had that information intimately at the time before you went up?—I had copies of all their correspondence with me.

1834. Did you receive certain instructions from Mr. Gemmill?—Yes.

1835. What were they?—The instructions were to proceed to Cape Town as soon as possible and give all the information I could to members of Parliament.

1836. Of any particular party?—No; no party was mentioned.

1837. Had you at any time any authority to bind the Chamber in any way to any attitude?—No. When I saw Mr. Gemmill on the 15th February we did not know that there would be a motion in the name of General Hertzog.

1838. Had you general authority to bind them?—No.

1839. You were sent down to give information?—Yes; only to do propaganda work.

1840. Was Mr. Steytler mentioned at all?—Yes; I was told that I would meet Mr. Steytler in Cape Town, and that he and I would work together.

1841. You then left Johannesburg and arrived in Cape Town?—Yes; on the 17th February.

1842. And you went to live at the Mount Nelson Hotel?—Yes.

1843. When did you first see a copy of General Hertzog's motion?—I am not certain about that, but I think on that Saturday, the 18th February.

1844. Did you go into that motion yourself, did you read it carefully?—The first occasion that I remember going into the motion carefully, reading it carefully, was the evening in General Hertzog's room in the Royal Hotel.

1845. Did you read it through at all before that?—I think so, I think I read it through before that in the morning, in the *Cape Times*.

1846. The first occasion you went into it carefully was in the evening in General Hertzog's room in the Royal Hotel?—

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It was a bed room in the Royal Hotel, I think it was General Hertzog's room.

1847. This motion of General Hertzog, part of it was in relation to the appointment of a commission to go into this question of the strike?—That is towards the end of the motion.

1848. As far as you knew, at that time did the Chamber have any objection to that part?—I could not see how they could possibly object to that part.

1849. *Mr. van der Riet.*] What part is that?—Paragraph (c) which had reference to the method by which the commission had to be appointed, whether by means of a Select Committee.

1850. *Mr. Davis.*] That part you say you do not think there could possibly be any objection to?—No.

1851. The other portions of the motion dealing with things like the *status quo* agreement and so on, what would you say as to those, what was your impression as to your knowledge at the time as to that part?—Those were entirely in conflict with the interest of the Chamber—I will say to the interest of the gold mining offices whose employees were out on strike.

1852. Where do you find anything about the *status quo* in this motion?—I think it is in clause (a). You will find “law or established custom or agreement.” “Law,” I take it referred to the colour bar regulations, by “established custom” I understood the custom which prevailed in mines in regard to employment of white people and natives, rates of pay, etc.; by “agreement” I understood the *status quo* agreement was referred to. The colour bar regulations and the custom on mines were never a point of discussion between the Chamber and the S.A.I.F., and the *status quo* was a very cardinal point.

1853. The *status quo* had been a cardinal point of discussion between the Chamber and the S.A.I.F.?—Yes; in my opinion the cause of all the trouble.

1854. In General Hertzog's motion there is also a suggestion for resuming operations in taking back the men. Had a similar proposal been made by anybody else?—The S.A.I.F. made almost an identical proposal, that was their final proposal. Paragraph (b) was substantially portion of the S.A.I.F. proposal and perhaps their final proposal.

1855. Have these proposals of the Federation been turned down by the Chamber?—Yes, definitely.

1856. You arrived on the 17th February, and when did you for the first time see General Hertzog?—On Saturday morning, the 18th February, about 10 a.m.

1857. That was in the Opposition Leader's room?—Yes.

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[Mr. J. Lodewicus van Eysen.]

1858. You had known him for a number of years?—I have known him intimately since 1907.

1859. He calls you by your Christian name?—Yes.

1860. Can you tell me what was the discussion between you that morning?—I explained to General Hertzog that I was here representing the Chamber of Mines, and that I was here to give information on the difficulties which had arisen—that is the strike position—to members of Parliament. I explained that I came to him first, so far as his party was concerned, to give him all the information he may want that I could give him. I told him that I would personally vouch for every statement I made to him, for figures I laid before him. I particularly laid before him, or wanted to lay before him, the position of the low grade mines. I may say that lots of people did not believe, and do not believe to-day, that there are such things as low grade mines. We discussed the *status quo* agreement in detail that morning and I tried to impress on him that an entirely false issue had been placed before the country, so that emissaries went out from the Rand radiating in all directions and laid information before the country that the Chamber wished to break down the colour bar. That was also preached to the strikers on the Rand, to the strikers out on Witbank, and was the cause of most of our trouble on the Rand at that time.

1861. You discussed the question between the colour bar and the *status quo* in some detail with General Hertzog that Saturday morning?—Yes.

1862. As far as you remember was the question of his motion gone into by you with him at that stage?—I am sure it was not.

1863. Mr. Beyers.] On this Saturday morning?—Yes.

1864. Mr. Davis.] General Hertzog has stated in his petition that he specifically asked you then whether you had any objection to his motion, and you said “niks”?—I do not think that is correct.

1865. You say you do not think it is correct, may it be correct?—No; I am sure it is not correct.

1866. You say you are sure nothing of that kind occurred?—Yes; I am quite sure.

1867. Was any arrangement made at that interview for you to meet other members of the party?—Yes; it was arranged that I would meet General Hertzog again that evening after dinner at the Royal Hotel.

1868. At whose particular request was that, who was anxious for the interview, you or he or both of you?—I think [S.C. 4—22.]

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both. What struck me particularly, General Hertzog said he had arranged to go to Stellenbosch that afternoon but that he thought such a discussion of so much importance that he would cut out Stellenbosch. I may also say that it made no difference whether I saw him on Saturday or Monday, the work was quite big enough to keep me employed.

Wednesday, 17th May, 1922.

PRESENT :

MR. BISSET (Chairman).

Mr. van der Riet.

Mr. Jansen.

Mr. Beyers.

Advocates Davis and Steyn (instructed by C. W. G. Coulter, of the firm of Messrs. Coulter & Co., Parliamentary Agents), appeared on behalf of Mr. J. L. van Eyssen.

Col.-Cdt. William Richard Collins, D.T.D., D.S.O., M.L.A.,
examined, and *Mr. Jacobus Lodewicus van Eyssen,*
further examined.

Col.-Cdt. William Richard Collins, D.S.O., D.T.D., M.L.A.,
examined on oath.

1869. *Mr. Davis.*] You are a Member of the House of Assembly representing the Ermelo constituency?—Yes.

1870. And you are one of the whips of the South African Party?—Yes.

1871. You remember that week from the 20th to the 25th February—that period during which General Hertzog introduced his motion into the House?—Yes.

1872. Were you in touch with Mr. van Eyssen during that period?—Yes. Mr. van Eyssen and Mr. Steytler saw me either on the Monday or on the Tuesday.

1873. It has been stated here by General Hertzog that he was under the impression that Mr. van Eyssen had told members of the South African Party also that the Chamber of Mines was prepared to accept General Hertzog's motion or would have no objection to it. Did Mr. van Eyssen at any time tell you that the Chamber of Mines was prepared to accept the motion, or did he say to anyone else in your presence that such was the case?—No, he never did.

1874. As whip of the party would you in the course of your duties come to hear that such a statement had been made generally amongst your party?—I do not think that it would be obligatory for members to tell me, but I certainly do think that one or other of the members would have informed me and asked me what the position is.

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[Col.-Cdt. W. R. Collins, D.T.D., D.S.O.,
M.L.A., and Mr. J. L. van Eysen.]

1875. *Mr. van der Riet.*] Has any member of the South African Party told you that the Chamber of Mines was going to accept General Hertzog's motion?—No.

Mr. Jacobus Lodewicus van Eysen, further examined.

1876. *Mr. Davis.*] On that evening to which we have referred it is common cause that a meeting took place after dinner in General Hertzog's bedroom at the Royal Hotel?—Yes.

1877. There were present at that meeting General Hertzog, Mr. Fichardt, Mr. Havenga, Mr. Steytler and yourself?—Yes.

1878. What occurred there that evening as far as you remember?—We discussed generally the situation on the Rand, how it had arisen, how it had developed, and we generally went into all the details in connection with it. During the course of the discussion General Hertzog's motion was mentioned but from my recollection it was by no means the crucial point of our discussion. It was more in the nature of what one might call a side issue.

1879. What was the main point of discussion?—The main points of discussion were the *status quo* agreement and the position of the low grade mines. The tremendous amount of misrepresentation that had centred around the *status quo* agreement had given an entirely wrong impression, and we thought we would give some information to members of the Nationalist Party and to many other members of the public who were not acquainted with the state of matters on the Rand.

1880. Was the motion discussed?—The motion was discussed.

1881. And what occurred on that?—The points which are clear in my mind about that motion that evening are the following: It was pointed out to General Hertzog that the word "agreement" in one of the paragraphs could only have reference to the *status quo* agreement which the gold mining companies, as represented by the Chamber of Mines, had definitely decided to abandon. Another point which is quite clear in my mind is the return of all the men to work. That we pointed out to General Hertzog was an impossibility. I do not want to go into the reasons why that was not possible as I think that is quite obvious to the Committee. Another point that was discussed was in regard to the retrospectivity of the ultimate finding of the Commission. We pointed out to General Hertzog that if the second body awarded the men a higher rate of wage than was first paid the matter would be very simple, but if the contrary took place friction might

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possibly arise by collecting the surplus wages from the men either by deductions from wages or otherwise. Another point in regard to what occurred that evening that is quite clear to my mind was that General Hertzog mentioned that one of the bodies he had in mind in drawing up his resolution was an outside board of compensation. On that I had pretty correct concrete information on the experience they had had in Canada and in Australia, and I put that to General Hertzog.

1882. Were "arbeidsveld" and "naturellen" discussed?—Yes, it was pointed out to General Hertzog that in his motion he only mentioned the word "naturel" (that is Native) and the "gekleurde," or coloured man, was excluded from it. I thought that was an error. General Hertzog explained that that was distinctly his policy—that he makes no difference between the coloured and the white man. Then General Hertzog went into rather a long explanation based on this word "arbeidsveld"—that he did not want to restrict the "arbeidsveld"—sphere of employment—of the white man, and it was pointed out to him that the nett result of keeping all the men on the mines as before the strike took place would very seriously restrict the "arbeidsveld" of the workers on the Rand. Unless re-organisation took place on the mines, which the Chamber of Mines suggested, we feared that a large number of mines might be permanently closed down and the men working on those mines permanently would lose their employment.

1883. Was any correspondence between the Chamber of Mines and the Federation or between the V.F.P. shown that night?—No.

1884. You are quite clear on that?—I am quite sure.

1885. Was anything said that night, do you remember, about the form of the Commission to be appointed?—Yes. I understood General Hertzog's view was that first of all a Select Committee would be appointed and that Select Committee would do certain work, and one of the duties of the Select Committee would be to nominate a Commission to go into the whole question more fully at a later date—that is after the men had returned to work.

1886. What did you say as to that?—To that we had no objection.

1887. And you told General Hertzog so?—Yes.

1888. During this discussion—at any period of it—did you go through the motion point by point, and General Hertzog asked you "Now have you any objection to that," and you said "No," "To that," and you said "No," and so on. Did that occur?—No, that did not occur.

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1889. At the conclusion of this discussion, did General Hertzog take the motion as a whole, and say "As a whole have you any objection to it"?—No.

1890. That did not occur?—No.

1891. Is the room you were in a big room or a small room?—It is a small room, and we all sat quite close to the door.

1892. Do you think that everybody should have heard what was going on?—I do not see how they could have missed hearing anything that was going on. I do not say it is impossible, but we sat in a little confined space. General Hertzog sat furthest from the door. Mr. Henry Steytler sat next to him, and I sat next to Mr. Henry Steytler. Opposite us sat Mr. Havenga, close to General Hertzog, and Mr. Fichardt next to the door.

1893. *Mr. van der Riet.*] Were any sitting on trunks?—I do not think so. I was sitting on a chair, Mr. Steytler on a chair, and General Hertzog on a chair.

1894. *Mr. Davis.*] And the other two on the bed?—They were reclining on the bed.

1895. Did you state or give them the impression that the Chamber of Mines accepted the motion?—I did not.

1896. *Mr. van der Riet.*] Unless they considered that the point about the committee and its appointment of a Commission was the main point?—I do not know what impression they would have carried away, but to that point we certainly had no objection. I may just say to conclude that interview in that room, my recollection is quite clear that eventually our discussion developed into a discussion on "relativity"—the Einstein theory.

1897. *Mr. Davis.*] Did you hear Mr. Steytler say to General Hertzog that if both sides agreed that would be all right, but he did not see how General Hertzog could expect the Chamber of Mines to agree—just as the meeting was breaking up?—No, I did not hear that. I did hear Mr. Steytler say that even if the motion was accepted, he did not see how the gold mines could be compelled to take back men for whom they had no employment.

1898. Was that during the discussion?—Some time during the discussion.

1899. You say frankly that the other thing you did not hear?—I did not.

1900. Was this correspondence shown to General Hertzog at any time or copies given to him?—Yes.

1901. When was that?—That would possibly have been either on the Tuesday or on the Wednesday evening. I want to explain why I consider it was either of those days and not on the Saturday. I only got an office in Cape Town

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on the Monday morning, where I had copies of this correspondence typed. I am sure the copies were not typed on the Monday, because on that day the typist was busy typing an article for me which appeared in the *Cape Times* of Wednesday, the 22nd February.

1902. These typed copies which General Hertzog produced here, are those the copies to which you refer?—Yes.

1903. You are pretty sure it was on the Wednesday?—Yes.

1904. But it might have been on the Tuesday?—Yes.

1904a. That evening you showed General Hertzog the correspondence at the Royal Hotel?—I first read the correspondence to him and then I handed him copies.

1905. On that same evening that you handed General Hertzog this correspondence, did you go anywhere afterwards?—Yes. I found General Hertzog with some of his friends sitting on the balcony. We retired inside and discussed the matter by ourselves, and after that was finished his friends joined us, and four or five of us walked down to the “Waldorf,” and we had coffee there.

1906. Save and except the evening of Saturday, the 18th February, and save and except the evening when you showed General Hertzog that correspondence, were you at the Royal Hotel on any evening during that week?—No.

1907. *Mr. van der Riet.*] It was the only evening during that week that you went to the “Waldorf” with General Hertzog?—Yes.

1908. And it was the only evening that you went to the Royal Hotel during that week?—Yes.

1909. And that must have been either the Tuesday or the Wednesday evening?—I am pretty sure it was on the Wednesday evening, but it may have been on the Tuesday evening.

1910. Both the handing over of the correspondence and the “Waldorf” expedition occurred either on the Tuesday or the Wednesday evening?—Yes, both occurred on the same evening.

1911. *Mr. Davis.*] You heard Mr. Fichardt’s evidence?—Yes.

1912. You heard him say that you had a conversation with him the evening you went to the “Waldorf,” and that you then showed him a copy of a telegram. Is that correct?—That is not correct.

1913. *Mr. van der Riet.*] Did Mr. Fichardt go to the “Waldorf”?—I do not remember Mr. Fichardt there. Since hearing his evidence I have tried to picture in my mind and I do not remember him there.

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1914. Did General Hertzog go upstairs to fetch his hat?—We came down to the ground floor from upstairs.

1915. And he had his hat with him?—I cannot remember that.

1916. When you came downstairs from General Hertzog's room did you go to the "Waldorf" or did you remain in the lounge for some time?—I think we went straight off.

1917. *Mr. Jansen.*] Were you in General Hertzog's bedroom that evening?—No. We retired from the balcony to the sitting room.

1918. *Mr. van der Riet.*] Did you go downstairs from there?—From the room we went downstairs and then to the "Waldorf."

1919. There could have been no time for you to have spoken to Mr. Fichardt while waiting on General Hertzog?—I certainly did not speak to Mr. Fichardt that evening at that time.

1920. *Mr. Davis.*] Did you at any time show Mr. Fichardt anything in the nature of a telegram or a copy of a telegram?—No.

1921. Or have any conversation with Mr. Fichardt alone about the position of the Chamber of Mines in regard to General Hertzog's motion?—No.

1922. On the Thursday and Friday the House was sitting. I understand?—Thursday afternoon, Thursday evening, and Friday afternoon and Friday evening.

1923. Did you go home with anybody on those two nights?—I went home with Mr. Sephton, his two daughters and Mr. O'Brien on both evenings. On the Friday evening, Mr. Malan, the Minister, also accompanied us.

1924. During the course of those evenings did you at any time go down to the Royal Hotel and from there to the "Waldorf" with anybody or alone?—No.

1925. During this time you were in touch with a number of Members of Parliament including a number of Nationalist members?—Yes, and S.A.P. members.

1926. It has been suggested, I think, to the Committee that the bulk of your conversation was in regard to General Hertzog's motion. Is that correct?—No; the motion concerned me very little. I certainly did not try or attempt to discuss the motion with anybody.

1927. What were you concerned about?—I was concerned with one thing only—that was to give members what I considered the truth of the situation.

1928. On the 21st February—the Tuesday—General Hertzog introduced his motion?—That is so.

1929. I think Mr. Boydell followed him?—Yes, and then General Smuts.

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1930. Did you hear those speeches?—Every word of them and every one of them.

1931. Were you upstairs in a bay?—I sat in a bay opposite General Hertzog when he and Mr. Boydell were speaking and when General Smuts spoke I came across to bay “D,” so that I could see and hear the speakers.

1932. Is it correct that during Boydell’s speech you saw Senator de Villiers downstairs in the lobby and told him that you accepted the motion?—No. That is not correct.

1933. Nothing of that kind?—Nothing of that kind happened.

1934. Did you have a conversation with Senator de Villiers at that or any other time?—I do not know Senator de Villiers.

1935. Did you have a conversation with him at that or at any other time?—I never had a conversation with him. I think if I once met Senator de Villiers I should never forget his face again.

1936. You are sure that you never met him?—I am sure I never spoke to him.

1937. After the debate was over on the Tuesday evening, I think it is common cause that you saw General Hertzog?—Yes.

1938. Tell me quite shortly what occurred?—I thanked General Hertzog for the words and the general trend in which he had introduced his motion. There was nothing in that to which I could take exception or offence. General Hertzog appeared to me to be disappointed and displeased at the reception his motion had.

1939. Reception by whom?—By the Government.

1940. And then what happened?—I remember saying to him “Is it not possible to so modify your motion as to make it acceptable.” I wish you to understand that I was not suggesting an amendment at all. You will remember that I was speaking to a friend, and General Hertzog said that he would offer to the Government that they could make an amendment to his motion. That was certainly what I understood from him.

1941. And that was suggested the next day by Mr. Grobler?—It was done afterwards by Mr. Grobler.

1942. Did you tell General Hertzog at that time that if the motion was accepted the strike would be over in two days?—No, I did not. General Hertzog said that himself in the House. I heard him say it.

1943. You met Mr. van Heerden on Monday, the 20th February?—Yes, I think about the Monday—very early that week in any case.

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1944. Did you have a discussion with him after General Hertzog's speech?—Yes, I saw him frequently during Monday, Tuesday and Wednesday.

1945. It is common cause that you told him that he could proclaim something from the housetops. What and when was that?—So far as I remember on the Wednesday—in the morning. It may have been on the Tuesday, but I think it was on the Wednesday when we spoke about General Hertzog's motion, and I said to him that so far as this ultimate commission was concerned, it was indifferent to us which way it was appointed—it would be acceptable to us either way. He asked me whether he could say that. I said "You can proclaim that from the housetops." He asked me whether he could say it in the House. I said "I do not want our name mentioned in the House in connection with the matter at all."

1946. Did you at any time tell Mr. van Heerden—or indeed did you tell anybody—that the Chamber of Mines was prepared to accept the motion as it stood or without qualification or words to that effect?—I did not. I did the opposite on several occasions.

1947. Was there any interjection from the Nationalist benches about the Chamber of Mines?—Yes, and it also came to my ears in various ways that the Chamber was accepting the motion—on that Wednesday already.

1948. To whom did you attribute this?—To Mr. van Heerden.

1949. Did you try to see him about this?—I tried to see him on the Thursday morning.

1950. Did you succeed?—He was not in the House.

1951. What did you do then?—I wrote him a note.

1952. Addressed to him?—Yes.

1953. Marked on the outside at all?—It was marked either "private" or "confidential." The paper was folded over and Mr. van Heerden's name was written on the back.

1954. Where was that letter written?—In the writing room as you come into the House from the Parliament Street entrance.

1955. On a pad you found there?—Yes.

1956. Is this the sort of pad (*indicating a scribbling pad*)?—My impression is that it was a smaller pad, but it might have been one like you have there.

1957. Was the letter written on one or two sheets?—My recollection is that it was written on two sheets.

1958. Did you keep a copy of it?—No, I did not.

1959. Can you give the Committee what the contents of that note were?—It is almost impossible to re-construct a
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note like that after several months, but I remember why I wrote the note. I remember telling Mr. van Heerden in the note that I had heard these things in the House—that the Chamber accepted General Hertzog's motion—and that if it came from him I would like him to put an end to those rumours—or something to that effect. Then I went on to explain—as I had done previously in conversation when he asked me whether he could say in the House that the Chamber would accept the motion—our position and our attitude.

1960. And that was?—That was that we did not want to be mixed up in any matter of a party politics nature, that we preferred to remain outside that sort of thing, and that the question of the motion should be left to the members of the House.

1961. When you say “you heard in the House” do you mean in the lobby of the House?—I heard in the House—in the Assembly Chamber, and I also heard it in the lobbies.

1962. Was that mentioned in the note as far as you remember?—Yes, definitely.

1963. What became of the note?—I was going to take it into the House to give it to an attendant, when I met Mr. Havenga at the door, and I asked him to give it to Mr. van Heerden.

1964. Other than this note, did you at any time give any other document to Mr. Havenga for Mr. van Heerden or to Mr. van Heerden direct?—No.

1965. Did you at any time give to either or both of them anything in the nature of a copy of a telegram?—No.

1966. *Mr. van der Riet.*] Did you read the note to Mr. Havenga?—No.

1967. Did you say it was in answer to a telegram that you had been asked by Mr. van Heerden to send?—No. Until that day, that was the second time in my existence that I had met Mr. Havenga.

1968. *Mr. Davis.*] The first time being?—The evening of the 18th February.

1969. *Mr. van der Riet.*] Did you correspond with him at all?—No.

1970. You had never written to him before that?—No.

1971. *Mr. Davis.*] You had a talk with General Hertzog on the subject of the word “overeenkomst” (*agreement*) in his motion at some time. Can you tell us when that was?—That was on Thursday afternoon, the 23rd February.

1972. Was that on the same day as the note?—Yes.

1973. Can you tell us shortly what occurred?—General Hertzog sent for me that afternoon and we went into the dining room and he asked me then specifically what we had against his motion. To facilitate the discussion, I fetched

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a copy—a file—of the Votes and Proceedings from the room next door—I think the smoking room—and I drew his attention to the word “agreement” in paragraph (a) as I had done before. I said to him that my view was that if that motion were adopted what was stated in paragraphs (a) and (b) would be legalised by Parliament. General Hertzog said that I was wrong, that the Commission and the Select Committee contemplated in the motion would have power to alter even the preamble of his motion. I could not see that view, and General Hertzog went into a long explanation to prove to me that I was wrong in my view. We had come to that stage of the discussion when General Hertzog was called away.

1974. Was the discussion about any other word?—We had only got to Clause (a). I had only pointed to this meaning of the *status quo* agreement which I thought was contained in the word “agreement” in his motion, and the rest of our discussion was an argument as to whether the adoption of the motion would legalise these things or not. It appeared to me that it would be legalised and General Hertzog tried to convince me that it would not be legalised—that that would be alterable by the two bodies contemplated in the motion.

1975. At that stage General Hertzog was called away?—Yes, and I remained sitting there for a little while.

1976. Mr. Webber spoke first on Thursday, the 23rd February, was this after his speech?—It was during that speech—before he had concluded his speech.

1977. Was this talk with General Hertzog as the result of Mr. Webber speaking at all?—I certainly did not think so.

1978. *Chairman.*] Was anybody else present at that interview?—No.

1979. At what time was it?—I think it was at about three o'clock or thereabouts.

1980. On Thursday, the 23rd?—Yes. It is very difficult to fix times at this distance from the occurrences.

1981. *Mr. Davis.*] After this interview with General Hertzog, when he was called away, did you see anybody immediately after that?—I saw Mr. Henry Steytler immediately after that.

1982. Did you have a discussion with him?—Yes.

1983. And, as the result of that discussion, did you determine to do something?—I sent a telegram to the Chamber of Mines.

1984. As a result of that discussion?—As a result of that discussion with General Hertzog and Mr. Henry Steytler. I would like to explain that I was not actually brought face to face with General Hertzog's motion as something we had

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to deal with. I had regarded it as a side issue until then, but when General Hertzog seriously discussed the motion with me, I went and told Mr. Henry Steytler about it, and I knew that nothing had ever passed between me and the Chamber of Mines about this motion. And it appeared to me that I should definitely ascertain their attitude in regard to General Hertzog's motion.

1985. What did you do then?—I went down from the bay expecting to see some member to go with me to the telegraph office in the House of Assembly, and I met Mr. van Heerden.

1986. Did Mr. van Heerden go with you to the telegraph office?—Yes, he accompanied me to the telegraph office and inside.

1987. Is that necessary according to the rules of the House?—I think so.

1988. Did you discuss this telegram that you were about to send with Mr. van Heerden?—I did not.

1989. Did you send the telegram as a result of his asking you to do so?—Certainly not.

1990. Did you go to the telegraph office and send a telegram to the Chamber of Mines?—Yes.

1991. Is that the telegram produced here reading "is settlement on lines General Hertzog's motion acceptable to you. Reply without delay"?—Yes.

1992. I think it is stated on the telegram that it was dispatched at 3.44 p.m.?—Yes.

1993. *Mr. van der Riet.*] You say you did not discuss the telegram with Mr. van Heerden. Did you acquaint him on the way to the telegraph office or in the telegraph office what the telegram was about?—I do not think so.

1994. *Mr. Davis.*] Did you expect an answer to that telegram on the same afternoon?—I cannot say when I expected an answer to the telegram but I certainly did not look for an answer the same evening. I remember very well that at that time telegrams took a fairly long time to pass between Johannesburg and myself. I very seldom received an answer to a telegram dispatched from about eleven or twelve o'clock during one day before the following day.

1995. You did as a matter of fact just prior to that ask the Chamber of Mines to send answers to your telegrams to where?—To care of "Consolidia."

1996. That is the Consolidated Mines?—That is their telegraphic address in Cape Town.

1997. A reply was sent at 4.50 p.m. that afternoon received here in Cape Town at 7 p.m. and it read "General Hertzog's motion quite impracticable and entirely unacceptable to us." Where was that addressed to?—To the Mount Nelson Hotel.

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1998. Is that the only wire that you received at that time addressed to the Mount Nelson Hotel after you had asked the Chamber to address replies to wires to care of "Consoldia"?—That is the only one.

1999. Have you any idea where you dined on that Thursday evening?—I have tried to ascertain, but I cannot possibly ascertain where I dined that evening, but my impression is that I dined at the Civil Service Club on both the Thursday and Friday evenings.

2000. When did you get this telegram?—I think on the Friday morning.

2001. *Mr. Beyers.*] Is that the telegram delivered at the post office at seven o'clock?—Yes. It was delivered at the Mount Nelson between 7 and 8 o'clock.

2002. You got that the next morning?—Yes.

2003. *Mr. Davis.*] If you do not enquire for telegrams at the Mount Nelson Hotel, what becomes of them?—They are left on the counter at the main entrance to the hotel and guests usually go and enquire there for letters and telegrams.

2004. In going to the House from the Mount Nelson were you in the habit of going through the main entrance?—I generally go through the back entrance—the entrance looking north. The telegram could not possibly have been there if and when I entered the hotel. It may have been there when I came down to the House that evening.

2005. That is if you dined at the hotel that evening?—Whether I dined there or not, it could not possibly have been there when I went into dinner, but it could have been there when I left the hotel.

2006. *Chairman.*] At what time did you get it the next morning?—When I went down to breakfast.

2007. *Mr. Davis.*] Did you keep the key of your room at the hotel with you?—I never locked my room.

2008. Mr. Steytler stated that you did not show him the answer to the telegram at that time. Do you remember whether you did or not?—My recollection is that I did, but I do not want to say definitely that I did. The telegrams all came to me, and I showed Mr. Steytler all telegrams that passed between me and the Chamber of Mines. I think it is almost impossible for him not to have seen this particular telegram, but I do not wish to contradict him on a point like that.

2009. Other than these two telegrams, did any other telegrams pass between you and the Chamber of Mines upon the question of the acceptability or otherwise of General Hertzog's motion?—No.

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2010. Did you at any time receive any telegrams from the Chamber of Mines to the effect that they did not want to interfere with your discretion, but wished to leave the matter to the House?—No.

2011. Were any words of any kind of that nature used at all?—No.

2012. Did you at any time represent directly or indirectly that you had such an answer from the Chamber of Mines?—No.

2013. You will remember the Louw interview?—Yes.

2014. Can you tell us when you think that occurred?—I think it occurred on the Thursday evening—during the evening session of the House.

2015. You saw Mr. Louw?—Yes, Mr. Louw came to me.

2016. And what happened?—He said “the Nationalists say that the Chamber of Mines accept General Hertzog’s motion”. I said: “that is not true,” and I asked him who had said so, and he named Mr. van Heerden. Then we went to see Mr. van Heerden.

2017. Where did you find Mr. van Heerden?—We found Mr. van Heerden in the lobby sitting at a tea table with Mr. Fourie.

2018. What happened then?—As we came up, in my presence Mr. Louw said that I denied Mr. van Heerden’s statement. He spoke in Dutch. He said “Van Eyssen sé dit is nie waar nie,” (*van Eyssen says it is not true*), or words to that effect. Then someone suggested that we should go to a room somewhere to talk about the matter. I do not know who suggested that. Just about that time General Hertzog joined us.

2019. Did you adjourn then?—Yes, we went. I think, to the whips’ room.

2020. It is stated that it was the writing room—that the whips’ room was full. What do you say to that?—I do not want to contradict that statement, but my impression is that it was the whips’ room. I am not acquainted with the House, and I may make a mistake about that.

2021. Before you adjourned there did Mr. van Heerden put to you a question to the effect that you had told him that you had accepted the motion and he wanted an answer to it?—Nothing of that sort occurred to my recollection.

2022. Such a thing did not occur in the lobby?—I do not think so.

2023. Did Mr. Louw come with you to the whips’ room or writing room wherever you adjourned to?—I was walking along under the impression that Mr. Louw was with us, and

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when we got inside the room, I noticed for the first time that Mr. Louw was not there. I went out to look for him, and I went as far as the lobby.

2024. And then?—I did not see him.

2025. And then?—And then I returned to the others. I am not sure what happened there. I have done my best to picture what happened in that room, but I cannot give you any idea of what conversation took place in that room. I know that General Hertzog, Mr. van Heerden and Mr. Fourie and myself were there together.

2026. You cannot remember what the conversation was?—I cannot remember the details of the conversation at all.

2027. Have you any general impression of it at all?—My general impression is that I pointed out quite clearly. . . . Mr. van Heerden said something about that I had told him that we accepted the motion without reservation, and I pointed out that that was a ridiculous statement to make.

2028. Do you remember anything more?—I think there was a further conversation.

2029. Mr. van Heerden says that on this occasion you admitted to him that you had given this definite acceptance from the Chamber of Mines without reservation. Did you do anything of such a nature then or at any other time?—I never told Mr. van Heerden that we accepted the motion.

2030. Did you at any time admit that you did accept it?—No.

2031. Are you quite clear on this point: Did you or did you not at that interview show General Hertzog a telegram or a copy of a telegram from the Chamber of Mines saying that they left the matter to your discretion or that you must leave it to the House?—I am quite sure I did not, and I am quite sure that it was impossible for me to have done so.

2032. *Chairman.*] Or anything about a telegram or a copy of a telegram?—Nothing at all.

2033. *Mr. Davis.*] Did you at any time have in your possession anything in the nature of a telegram or a copy of a telegram, or a forged telegram of that kind, in terms of the kind that I have just suggested to you?—I never had such a thing, and I never saw such a thing.

2034. What was your first impression as to what occurred after the Louw interview?—My first impression was that no discussion took place.

2035. And then?—After Mr. Fourie spoke yesterday, it seemed to me that things were recalled to my mind which I had not thought of. You will remember that in recalling or trying to recall I was entirely by myself. I had not the
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assistance of anybody. When Mr. Fourie gave his evidence yesterday he certainly recalled to my mind things which I had not remembered originally.

2036. *Mr. van der Riet.*] What specially?—When he spoke about the conversation in the room and that Mr. van Heerden had said I had told him something to the effect that the Chamber of Mines accepted, and I denied that.

2037. What difference between what Mr. Fourie said and what Mr. van Heerden said had specially provided you with a recollection of other things?—I do not know that it is possible for me to answer that. Only as I listened to Mr. Fourie yesterday morning did I remember some things which had occurred. Formerly I thought over that incident and my impressions of the incident, and I had no clear recollection of what happened.

2038. *Mr. Jansen.*] Is it correct that up to yesterday you were under the impression that you had not returned after you went out for Mr. Louw?—I was not certain.

2039. *Chairman.*] Are there any incidents regarding that interview in Mr. Fourie's evidence that Mr. van Heerden and General Hertzog's evidence did not show?—I do not know that I can explain that to you. I do not want to even attempt to explain that. I just say that when Mr. Fourie gave his evidence I recollected just dimly that certain things might have occurred.

2040. *Mr. van der Riet.*] Who were you with when you were found by Mr. Louw?—My impression is that Mr. Louw came to me in "D" bay of the Assembly Chamber.

2041. Do you carry your despatch case with you?—Yes, in the morning.

2042. And in the afternoon?—Yes.

2043. *Mr. Jansen.*] And in the evenings?—No.

2044. *Mr. Beyers.*] Did you have this despatch case at that time (*indicating witness' despatch case on table*)?—No, I did not possess it then. I only got it when I went to live at Kenilworth, about three weeks after I arrived in Cape Town.

2045. *Mr. van der Riet.*] Why did you not carry your papers in the evening?—I more or less always discussed matters with members in the afternoons and in the mornings. The discussions I had took place mostly in the mornings between 10 o'clock and up to about one o'clock.

2046. You say definitely that you never brought your papers in the evening?—No. When the House rose at about six o'clock I went up to the hotel. I did not go to the office again, and my office would have been closed then.

2047. *Mr. Beyers.*] I understand that you are not quite certain whether this conversation took place in the evening or in the afternoon?—I think it was during the evening

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session. As you know the House is electrically lit both in the afternoon and in the evening, so that makes it difficult to remember whether this conversation took place in the afternoon or in the evening.

2048. Do you recollect whether you had any papers in a despatch case, or did you have any papers with you at all?—I do not remember having any papers.

2049. There may have been papers?—Yes, there may have been papers.

2050. *Mr. van der Riet.*] If it was in the evening you would not have had any papers?—If it was in the evening, I would certainly not have had any papers with me.

2051. Have you another smaller despatch bag besides the one you have with you now?—No. I carried my papers in a paper cover. I had no despatch case at all then.

2052. *Mr. Beyers.*] Did you not carry letters or telegrams in your pocket?—No. I carried them in a paper cover.

2053. *Mr. Davis.*] To whom does that despatch case belong?—It belongs to Mr. Vivian Watson.

2054. General Hertzog says in his petition that on various occasions you told him that there was no objection to any part of his motion. Is that correct?—No.

2055. And he also says that you subsequently showed him a telegram or copy of a telegram in order to satisfy him as to that?—That is not so.

2056. Or anything purporting to be a telegram?—No.

2057. When you received this telegram on the morning of the 24th February, did you immediately communicate its contents to Gen. Hertzog?—No.

2058. Why not?—There was no necessity for doing so. It did not contradict any statement I had made to General Hertzog.

2059. On the morning of the 25th February, you saw General Hertzog again?—Yes, the Saturday morning.

2060. I think you went for a drive with him and others, and at the conclusion you gave him a letter?—Yes.

2061. Why did you hand that letter to him?—I had spoken to General Hertzog on at least one occasion about these interjections and rumours regarding the Chamber of Mines accepting the motion. On the Friday evening, according to the *Cape Times* of the following day, there had been an interjection from Mr. van Hees. I must say I did not hear that, but I saw it in the paper the next morning, and I wanted to make the matter absolutely definite, and did not want to leave any room for misunderstanding.

2062. Why, when you wrote this letter of the 25th, did you not textually quote the telegram from the Chamber of [S.C. 4—'22.]

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Mines to the effect that General Hertzog's motion was unacceptable?—I think that the Chamber of Mines' telegram was a tactless one, and I think without a doubt that it would have given offence to General Hertzog.

2063. Was it the sort of answer you had expected?—No, certainly not. I expected something much more elaborate. I think I expected that the Chamber would go into details and the telegram was certainly not in harmony with the feelings that existed between General Hertzog and myself.

2064. Then you gave this letter to General Hertzog on the 25th February?—Yes, and I told him what the contents were.

2065. And you saw him again—it is common cause that you saw him off with the 8.15 train that night?—Yes.

2066. And nothing was stated there?—No. No word ever passed between General Hertzog and myself again on this subject until after the 3rd April.

2067. On Monday, the 27th February, you inserted in the *Argus* that paragraph which I think is headed "Nationalist (anard)"?—I am not responsible for the heading of that article.

2068. On the same day you saw Mr. Tielman Roos?—Yes, on the Monday.

2069. And you explained the position to him quite clearly?—Yes.

2070. And on the same day, Mr. de Waal tells us, I think, that he brought Mr. Steinmeyer to you. Is that right?—Yes. Mr. de Waal took me to Mr. Steinmeyer.

2071. You heard Mr. de Waal's evidence of what occurred during the previous week. That you had told him that with slight modifications the Chamber would not have any difficulty in submitting to the motion, or words to that effect. Did you have any conversation with Mr. de Waal as far as you remember?—I do not remember such a conversation.

2072. Are you prepared to swear that you never had a conversation with Mr. de Waal on the subject of the strike?—No, I am not prepared to swear that.

2073. Did you at any time tell Mr. de Waal that with slight modifications the Chamber would accept the motion?—I am quite sure that I never said that.

2074. Can you tell me in the course of the conversations you had with Nationalist members during this period from the 21st February, what if any part of this motion seemed to be looming largely in their minds?—The part which loomed largely in their minds was that one question as to how the ultimate commission would be appointed. In fact that seemed really the only part of the motion which they understood.

2075. Did that loom largely with you in your mind?—No, that cut no ice with me at all.

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2076. You had an interview with Mr. Steinmeyer?—Yes.

2077. It was reported in *Die Burger* of the 28th February?—Yes.

2078. Does that give more or less a correct report of what transpired?—It seems to be a lot more than actually passed between us, still its purport is correct.

2079. At this interview with Mr. Steinmeyer, did you show him anything in the nature of a telegram or anything of that kind?—No.

2080. Was any question of a telegram or anything of that kind discussed at all between you and Mr. Steinmeyer?—No, nothing at all in the nature of, or anything to do with a telegram. At the time I was engaged in a conversation with Mr. Pieter Scholtz. I broke off the conversation to see Mr. Steinmeyer. I left Mr. Scholtz waiting, and I returned immediately after I had made the few remarks I had wanted to make to Mr. Steinmeyer. There was no other conversation apart from what appears in the interview, and not as much as appears in the report of the interview.

2081. *Mr. van der Riet.*] You did not show Mr. Steinmeyer the actual telegram that has been put in?—No, I showed him no telegram and no document of any kind whatsoever.

2082. I am referring to the telegram you received from the Chamber of Mines on the morning of the 24th February?—No, I did not show him that, and I did not show him any telegram whatever.

2083. *Mr. Davis.*] Did you have a talk with Mr. Havenga subsequent to this about anything that appeared in *Die Burger*?—Yes, on Tuesday, the 28th February.

2084. Did you before this case started give your attorney a statement of what you remembered about the matter at the time?—Yes.

2085. You gave a statement to your attorney originally, and by mistake of counsel that interview was put to Mr. Havenga as having been on the 2nd March?—Yes.

2086. Did you have a conversation with Mr. Havenga on the 2nd March?—No.

2087. You saw him on the 28th February?—Yes.

2088. As the result of what?—As a result of a conversation I had that day with a member of the House who drew my attention to the leading article in *Die Burger* of the 28th February. I went with this member to the reading room and I read that article.

2089. Then you saw Mr. Havenga as the result of that article?—Yes.

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2090. Was anything said about the letter to General Hertzog?—Yes. I pointed out to Mr. Havenga that that was an entirely wrong impression in regard to my attitude to General Hertzog.

2091. What do you mean by “that”?—That article. I asked Mr. Havenga whether he had seen my letter to General Hertzog, and he said he had, and he said he had the letter with him.

2092. Can you give me the Dutch words he used?—Yes. He said: “*Eek het die brief*”. (*I have the letter*).

2093. With him?—He gave me the impression that he had the letter. I will not say that he had it in his pocket, but that he was in possession of the letter.

2094. *Mr. Beyers.*] That is the letter of the 25th February?—Yes.

2095. *Mr. Davis.*] Was the interview of the 18th February raised between you?—Yes. Mr. Havenga said that he got the impression at the interview of the 18th February that I had no serious objection to General Hertzog's motion. He said that he remembered that I raised objections to three points in the motion, but after the lengthy explanation which General Hertzog had made, he thought that as I said nothing further that I agreed with General Hertzog's motion.

2096. Did you make any answer to that?—I just pointed out to him that I did not see how he could draw such a conclusion when I had not pursued the point with General Hertzog.

2097. He told you definitely that he got that impression?—Yes.

2098. *Mr. Beyers.* Is that the impression he got from the conversation of the evening of the 18th February?—Yes.

2099. *Mr. Davis.*] Was anything said at that interview about a telegram at all?—No, nothing at all.

2100. Are you quite clear on that?—Quite clear.

2101. On the 2nd March certain articles appeared in *Die Burger*: “*Die saak van Eysen*” and “*Die Kamer en mosie Hertzog—Geschiedenis van die Van Eysen-Onderhandelling*”. Was your attention drawn to these articles at all?—Yes.

2102. Did you read them carefully?—No, I did not.

2103. As far as you remember did you read one or both of them?—I remember something about those articles, but I did not read them both. I think that I read a portion of the leading article.

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2104. Is that the one containing the statement to the effect that Mr. van Heerden stated that you made use of the circumstances that your father was well known to him to get an introduction to members of Parliament?—Yes.

2105. Are you quite clear about the one you read?—I am quite clear about the point that Mr. van Heerden according to the article had stated that I had made use of the fact of the friendship between him and my father to get an introduction to members of the House.

2106. Did that please you?—On the contrary it disgusted me.

2107. What did you do then?—I left the office where my attention had been drawn to the article, and I went over to my office and I wrote a letter to *Die Burger*.

2108. Did you have these articles with you?—No, I did not take them with me.

2109. Is that the draft of a letter which Mr. Rompel put in?—Yes, what he produced here a few days ago.

2110. Did you see Mr. Rompel?—I saw Mr. Rompel myself.

2111. Was there any discussion between Mr. Rompel and yourself on the subject of this interview?—Yes, we had a discussion.

2112. Either at that discussion or when you saw him later in the day was there anything said about a telegram you had received?—There was never any mention about a telegram.

2113. Did you read or purport to read a telegram?—There was nothing about reading or discussing a telegram. I showed or read no telegram to him.

2114. You discussed no telegram?—No.

2115. *Mr. Beyers.*] Any copy or original or anything?—No, or anything purporting to be a telegram.

2116. *Mr. Davis.*] What did you do in regard to these articles then?—In the afternoon I saw Mr. van Heerden.

2117. You saw Mr. van Heerden, and did you have a discussion with him?—Yes, I asked him why he had inserted that nonsense about my making use of the friendship between him and my father to get an introduction to members of the Nationalist party.

2118. And then?—He said that he had not meant all these things to go into the paper—he did not say all those things—or words to that effect.

2119. What was said then?—I asked him why this folly was persisted in about the Chamber of Mines agreeing to General Hertzog's motion. He then said that the note which I had sent to him gave him and others that impression. The effect of our conversation was that I said that my note was to him only, and why therefore he showed it to others.

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2120. Why do you say "to him only"?—I knew that my note was marked "private." He said that he unfolded the note in the presence of others without noticing that it was marked "private."

2121. Did you discuss the matter further with him?—No, there was no further discussion. I remember that before we parted he agreed with me that it must have been a misunderstanding; that he saw ample room for a misunderstanding.

2122. You went back to Mr. Rompel, I think?—Yes, as a result of our conversation I went back to Mr. Rompel.

2123. *Mr. Beyers.*] Where did you have this conversation with Mr. van Heerden?—In the reading room of the House of Assembly.

2124. You came across from *Die Burger* building?—No.

2125. Where was your first conversation with Mr. Rompel?—In *Die Burger* building before lunch, and then after lunch I came over to the House.

2126. And then you went over to *Die Burger* offices again?—Yes, as a result of our conversation I went over to *Die Burger* again and removed any personal reference to Mr. van Heerden from my letter.

2127. *Mr. Davis.*] You did erase the personal references?—Yes, because we had come to a definite agreement that this was probably a misunderstanding between us.

2128. Did you make all the corrections in the letter or did Mr. Rompel make any?—I personally scratched out all references to Mr. van Heerden—my object particularly being to raise no ill-feeling. I had come here not to quarrel with anybody but to make friends with people.

2129. The second article of the 2nd March—"die geskiedenis van die Van Eyssen onderhandelinge"—(*the history of the van Eyssen incident*), gives, more or less, textually the version of this telegram which you are alleged to have received?—Yes, I have seen that.

2130. Why did you not deny that at the time?—I did not know at the time that it was in the paper. My attention was never drawn to that.

2131. Do I understand that at no time either with Mr. van Heerden or any other time was the question of any telegram discussed at all?—That is so. At no time was any question of a telegram discussed.

2132. *Mr. Beyers.*] Did you refer at all in your conversation with Mr. van Heerden to your interview with Mr. Rompel?—I think I did.

2133. You are not certain?—I am pretty sure I did, but I would not like to say for certain.

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2134. Is Mr. Rompel correct in his statement to the effect that the only alteration he made in this letter was the insertion of the word "begryplike" (*conceivable*), before the word "misverstand" (*misunderstanding*)?—I think so.

2135. You say you intended that as a letter?—Yes.

2136. And did you not wonder whether it was published later?—I did.

2137. And that it appeared more as an interview?—When I took the letter over to Mr. Rompel we had a discussion generally, and when I went in the afternoon to take out the references to which I have referred I found that Mr. Rompel had written an article on this letter and that he had quoted some passages from the letter.

2138. He showed that to you before publishing it?—Yes, in the afternoon.

2139. After you had left Mr. van Heerden?—Yes.

2140. I understand you had two interviews with Mr. Rompel—one before and one after lunch?—Yes.

2141. And so that evidently in the interval he had prepared his article?—Yes.

2142. *Mr. Davis.*] Mr. Steinmeyer says that you went to see Mr. Rompel before the article of the 2nd March appeared and it was then put to you as to whether it was a correct version of the telegram?—No, I never saw Mr. Rompel or anyone else in connection with *Die Burger* or any other paper. In regard to this article, I told Mr. Rompel that I did not want all that paraphrasing—that I wanted just a short crisp denial. He had a lot of talk about it looking nicer and one thing and another. I did not want to interfere with it. I think he made certain alterations even in his article then. But the article was written without my knowledge. There was never an interview as it is usually understood—after I left he evidently made up an article from what he remembered of our interview.

2143. *Mr. Jansen.*] In regard to this article that you saw in manuscript in Mr. Rompel's hands, when did you read that?—I read that the following day. There is one paragraph, or two paragraphs, in that article, which I am sure he did not read out to me from his original draft. I noticed the next day that towards the end there were at least one or probably two paragraphs which he did not read to me at all.

2144. *Mr. Beyers.*] I see that there are certain alterations in the draft he put in, do you think these were made pursuant to the second interview you had with him?—Possibly. I did not have the document in my hands. The last part of this draft, and as I read it the next day, did not appear in the version he read to me. My recollection is that from "Ons het Mnr. van Eysen gevra watter standpunt

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Genl. Smuts dan teenoor hom ingeneem het," we asked Mr. van Eyssen what attitude Genl. Smuts had adopted towards him, and the next paragraph I saw for the first time the following morning. I may say that this is the last word so far as I have been able to ascertain—I have gone through the files of *Die Burger*—that I can find in reference to "die Van Eyssen saak" (*the van Eyssen incident*). That ends the matter.

2145. Mr. Davis.] Until April?—Yes.

2146. On the 3rd April General Hertzog made a speech which was reported in the *Cape Times* the following morning?—I heard that speech on the 3rd April.

2147. There were certain statements made in that speech about you and also about Mr. Steytler?—Yes.

2148. Can you tell the Committee why you did not promptly the same day insert anything in the papers in the nature of a denial?—Mr. Steytler was out of town just then, and I understood that he would be back on the Wednesday or the Thursday—that is the 5th or 6th, and as he had also been mentioned and as we had worked jointly in the matter, I wanted to consult with him when I wrote a denial.

2149. Have you got a copy of the telegram to the Chamber of Mines about Mr. Steytler being away?—Yes.

2150. On the morning of the 5th appeared the denial of the Chamber of Mines and the copies of the telegrams which they said were the only ones that came from Johannesburg?—That came from the Chamber of Mines.

2151. On the 5th April you received a message that General Hertzog wanted to see you?—Yes.

2152. And you met him in the lobby of the House and you went into the Whip's room?—Yes, I met him in the forenoon.

2153. And there you found also Mr. Havenga and Mr. van Heerden?—Yes.

2154. I think at that interview you were handed that letter from Mr. Havenga which has been put in?—Yes.

2155. What happened at that interview?—So far as I remember when I came into the room, General Hertzog said that they had been trying to get this letter delivered to me, and then he gave me the letter and I put it in my pocket, and he asked me if I had seen the Chamber of Mines telegram that morning. He asked me whether I knew that no member had received such a telegram. I said I did not, and he asked me whether it was true that I received such a telegram from the Chamber. I said that I had received such a telegram. He asked me whether I had received any other telegram from the Chamber. I said "No. I have not received any other telegram from the Chamber." He asked me then whether I had shown any other telegram or any other document to any member of his party. I said I had not. He asked me why I had not shown him that telegram which I got from the

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Chamber of Mines. I said that I gave him the purport of that telegram in my letter to him of the 25th February, and I produced a copy of that letter.

2156. A copy of the letter?—A translation of a copy of the letter. General Hertzog read it aloud—very impressively, and when he got to the end of the letter he admitted that that was the letter which I had given him. He said to me “But the main point in my mind is that you received a telegram from the Chamber of Mines which you did not show me.” At that time he was working himself up into a pretty bad temper, which seemed to me to be getting worse with every word he said, and the end of the interview was that he said “Ek is klaar met jou en jy moet my nie weer nader nie.” (*I am finished with you and you must not approach me again.*) Then he turned on his heel and went out slamming the door behind him as he went out. As he walked out I called him back, and said that there was something more I wanted to say, but he went out, slamming the door behind him, and I thought he had gone for good. But a few seconds afterwards he came back more violently angry than he was when he left. He said “No, you are not going to say that I ran away from you,” and before I could utter one word more he went out again and slammed the door. I think I just made the remark to Messrs. van Heerden and Havenga, “It is a pity he lost his temper, because I think the matter could have been cleared up otherwise.” Mr. Havenga walked in front, I went next, and I did not see Mr. van Heerden when we left the room. I then left the House of Assembly. I do not think the whole interview lasted more than two minutes.

2157. Was something said about a copy of a telegram at that interview?—I do not think so. I do not think anything was mentioned about it, except that General Hertzog asked me whether I showed any other telegram to any member of his party.

2158. Is it correct that you admitted that you had shown a forged or false telegram?—Certainly not.

2159. Then you answered that letter from Mr. Havenga. Mr. Havenga, you remember, had asked in this letter that you should send to General Hertzog a copy of the telegram from the Chamber of Mines which you had shown to him and Mr. Petrus van Heerden?—Yes.

2160. And you answered this “Sover ek weet, het ek nog aan u, nog aan Mnr. van Heerden ooit ’n telegram getoon” (*as far as I know I’ve never shown either you or Mr. van Heerden a telegram*). Then you wrote another letter on the next day in which you again said “’n telegram of telegramme aan uself of Mnr. van Heerden getoon het” (*shown a telegram or telegrams to you or Mr. van Heerden*)?—Yes.

2161. Did you at any time show to Mr. Havenga, or had

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it been suggested to you, that you had shown him a telegram?—No, never.

2162. In these letters you say that you did not think that you had ever done anything of the kind, but if you could be given some idea of date you would see if there was any telegram of any kind. Can you explain that?—Yes, I had a reason for writing that letter.

2163. What was your reason?—My reason was that just purely as a matter of course I wanted to know when this original showing of a telegram took place, whether before or after I wrote the letter. That appeared to me to be important.

2164. You wanted to get from them the date of the telegram, a copy of which it was alleged you had shown them?—Yes, the latter thing was a most amazing business to me, and I wanted to find out whether the telegram was subsequent to the letter or the letter subsequent to the telegram.

2165. *Mr. Beyers.*] Your letter of the 25th February?—Yes. On the evening of the 3rd, General Hertzog quoted a telegram in the House, and I did not know when that reached him, and whether it was subsequent or before the letter.

2166. *Mr. Davis.*] You inserted a complete denial in the paper of the 6th April?—Yes, a copy of my letter to General Hertzog appeared in the *Argus* of Wednesday, the 5th, and a further fuller denial in the *Cape Times* of the 6th April, accompanied by a letter from Mr. Steytler.

2167. You say there that the Chamber wired to you on the 24th February?—I was under the impression that I got it on the 24th February.

2168. When did you get it?—I was under the impression that the wire was sent on the 24th.

2169. Mr. Havenga says that you saw him in the lift subsequently and that you had a talk with him. Is that correct?—I do not remember. I do not remember ever speaking to Mr. Havenga about this matter.

2170. You told us that you prepared an article for the *Cape Times* which appeared on Wednesday, the 22nd February?—Yes.

2171. It did not appear in your name?—No.

2172. Simply “A mining correspondent”?—Yes.

2173. Was that to explain the *status quo* agreement?—Yes, and just a short résumé of the situation.

2174. *Mr. Beyers.*] You told us previously, I think, that that was prepared by Mr. Steytler and yourself?—Mr. Steytler saw it, but I prepared it.

2175. *Chairman.*] You told the Committee that you did not at any time show to anybody any telegram or anything

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purporting to be a telegram or a copy of a telegram to the effect that the Chamber of Mines said "While not wishing to interfere with your discretionary powers (or discretion), we would impress upon you the advisability of preserving a non-party attitude, consider it advisable to leave the matter to all the members of the House." Is that so?—That is so.

2176. You never showed a telegram of that kind to any one?—Yes. I never had such a telegram.

2177. You never received such a telegram from the Chamber of Mines?—No.

2178. Did anyone at all ever show to you a telegram received by him of that character?—No.

2179. Did you ever receive from Johannesburg any communication in any shape or form of that character?—No.

2180. Either by letter, telegram or otherwise?—No.

2181. Mr. Havenga in his evidence says this in question No. 2: "Then I think it was on Thursday morning the 23rd February, Mr. van Eysen met me in the lobby of the House of Assembly, just in the front door where the visitors come in, and asked me whether I had not seen Mr. I. P. van Heerden, the member for Cradock. I told him I thought Mr. van Heerden was somewhere about in the House, and he then said he would like me to give Mr. van Heerden a sheet of one of those writing pads, which he held in his hand. He read it to me and informed me that it was a telegram which he had sent at the request of Mr. van Heerden to ascertain the attitude of the Chamber of Mines in regard to the motion of General Hertzog." Did you ever have such a conversation with Mr. Havenga?—No.

2182. You had asked him to hand it to Mr. van Heerden?—Yes, that is all.

2183. But you did not inform him that it was a reply from the Chamber which you had sent at the request of Mr. van Heerden to ascertain the attitude of the Chamber of Mines?—That is so.

2184. Can you suggest to the Committee any explanation at all why Mr. Havenga should have the idea that that slip that you handed to him was a reply to a telegram?—No. I cannot. I may say right here that this is one of the things that is absolutely inexplicable to me. I have investigated it from every side, and I have done everything in my power to get some light thrown on it, but I cannot explain it.

2185. And then Mr. Havenga says that he read these bits of paper—what was on it—and that it was clearly in the form of a telegram. Mr. van Heerden says that he read it and it was clearly in the form of a telegram substantially in the terms stated by Mr. Havenga. You can give no suggestion at all as to how they should have got the impression that this

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piece of paper was a reply to a telegram sent by you?—I cannot explain it, and I do not suggest that my note could possibly have been mistaken for a telegram.

2186. On the 24th—in the morning—you did get a reply from the Chamber of Mines to the telegram you had sent?—Yes?

2187. Did you show that reply that you received from the Chamber of Mines on the 24th February, to any of the people who have given evidence here at this enquiry at any time?—I think the only person I showed it to was Mr. Steytler.

2188. When did you show it to him?—I do not want to say positively that I showed it to him, but I think he would have seen it.

2189. Mr. Steytler says that you did not show it to him?—I say it is possible that I might not have shown it to him, but I can just say that generally every telegram that came from the Chamber of Mines to me I showed to Mr. Steytler, and I never had any impression that I had not shown that telegram to him.

2190. If you did not show that telegram to Mr. Steytler, can you explain why you did not?—No, except that the telegram contained nothing which was contradictory or not in accordance with what we had discussed.

2191. It was sent, I understand, in consequence of a discussion between you and Mr. Steytler?—Yes.

2192. You considered it was necessary to make definite enquiries from the Chamber of Mines as to its attitude?—Yes.

2193. And to have a definite reply?—Yes.

2194. For what purpose?—I had had a discussion with General Hertzog that afternoon about his motion. That was the first discussion where his motion was really seriously considered, and I mentioned that to Mr. Steytler immediately afterwards. In the course of our conversation it occurred to us that we never had any communication from the Chamber of Mines on the motion, and as a result of our conversation I could not say whether Mr. Steytler suggested it or whether I suggested it—this telegram was sent. He knew that I was sending this telegram.

2195. Up to that point the attitude of the Chamber of Mines with regard to the motion of General Hertzog had been the subject of a good deal of discussion in the press?—I did not see it.

2196. Did you see *Die Burger* of the 24th February?—I did not see it until after this enquiry started.

2197. Or *Die Burger* of the 25th February?—No, not until this enquiry had started.

2198. Prior to General Hertzog leaving on the Saturday

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did anybody bring to your notice the articles in *Die Burger* of the 24th and 25th February?—No.

2199. Did anybody tell you that *Die Burger* was saying that the representative of the Chamber of Mines was making it known that the Chamber was prepared to accept General Hertzog's motion?—The first time that anything that appeared in *Die Burger* was brought to my notice was on the morning of the 27th February.

2200. Between the 24th and 27th February you were in close touch with members of Parliament?—Yes.

2201. And you were discussing with them General Hertzog's motion and the position of the Chamber of Mines, generally, I suppose?—I do not think there was much discussion about General Hertzog's motion, but certainly we discussed the other matters.

2202. Was the attitude of the Chamber of Mines with regard to that motion the subject of discussion amongst members?—I do not remember. The only occasion that I remember discussing it was with Mr. van Heerden and the pointed one was on the afternoon when General Hertzog asked me to go with him and he then started discussing the motion.

2203. If it were the case that the Chamber accepted General Hertzog's motion, that would have been a matter of importance at that time?—Yes.

2204. On the 24th February, *Die Burger*, in its leading article says this: "Want 'n verteenwoordiger van die Kamer van Mynweze gaan rond en vertel, dat die Kamer van Mynweze bereid is om die voorstel van Genl. Hertzog aan te neem. Dat die werkers ook hiertoe bereid is is meer as waarskynlik. 'n Gedeelte van die stakers het reeds hom berig, dat hulle met sy plan tevrede is." (*Because a representative of the Chamber of Mines is going about and saying that the Chamber of Mines is prepared to accept the motion of General Hertzog. It is also more than probable that the workers are similarly prepared. A section of the strikers have informed him that they are satisfied with his plan.*) It would have been important from your point of view to have contradicted that?—If I had seen that I would certainly without any doubt have contradicted it.

2205. And you will agree I suppose that a statement of that sort probably attracted a great deal of attention at that time?—Yes, amongst those who read it.

2206. Do you not think that anyone should have brought that to your notice before the 27th February?—It is a fact that no one brought it to my notice.

2207. And similarly you say it is a fact that nobody brought to your notice the reference to the matter in *Die Burger* of [S.C. 4—22.]

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the 25th February, which says: "*Die Burger* het vanmore 'n belangwekkende bewering gemaak, nl. dat 'n verteenwoordiger van die Kamer van Mynwese rondloop en vertel dat die Kamer van Mynwese bereid is om die voorstel van Genl. Hertzog aan te neem. Na aanleiding daarvan, het ons ondersoek ingestel, en die bewering word bevestig duer verskeie volksraadslede aan wie die verteenwoordiger van die Kamer van Mynwese hierdie versekering persoonlik gegee het." (*Die Burger made an interesting statement this morning, viz., that a representative of the Chamber of Mines is going about and saying that the Chamber of Mines is prepared to accept the motion of General Hertzog. In connection therewith we inquired into the matter and the statement is supported by several members of the House of Assembly to whom the representative of the Chamber of Mines himself gave his assurance.*) You say that also was not brought to your notice?—That was entirely unknown to me.

2208. Were you following up what was being said in the press about this matter?—I never read *Die Burger*. It was not my concern at all.

2209. You see you were sent down here you told us to give information to members of Parliament with regard to the attitude of the Chamber of Mines and the position on the Rand generally. Is not that so?—Yes.

2210. Then if the attitude of the Chamber was being so completely mistaken would it not have been expected that you would deny it?—If I had seen it I would most decidedly have contradicted it right there.

2211. Were you following what was being said with regard to this motion in the rest of the Press?—No. I listened to almost everybody in the House, and if anything occurred in the House which was of importance I took note of that. In regard to the Press I had on two occasions contradicted statements which were entirely wrong.

2212. And then the article which appeared in *Die Burger* on the 27th February, that was brought to your notice. On Tuesday the 28th February, I think?—I only remember the date from the fact that I recognise the article. I had previously contradicted that matter in the *Argus* and in *Die Burger*. The contradiction appeared in *Die Burger* by way of that Steinmeyer interview.

2213. You told us that you did not show the telegram from the Chamber of Mines which you received on the 24th February to General Hertzog, and that that was a tactless telegram?—Yes, I did not like the tone of it.

2214. And that was the only reason why you did not show it to him?—I would not say the only reason, but certainly it was a reason. Another reason was that what was con-

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tained in the telegram was not new to General Hertzog in regard to my or the Chamber's attitude. If it had been an entire reversal of our conversation on the subject I might have shown him the telegram, but it was not. There was never any misunderstanding between myself and General Hertzog in regard to our attitude to his motion.

2215. General Hertzog said that on the Thursday you mentioned that there was a difficulty about the word "agreement," and that was all you said to him on that Thursday with regard to possible difficulties in the way of accepting this motion?—We ought rather to put it that was as far as we got in our conversation.

2216. You agree that on that Thursday that was the only point of difficulty mentioned?—I agree that we got to that stage, but the real difficulty was whether paragraphs (a) and (b) would be legalised by the adoption of the motion or whether those paragraphs would be subject to modification by the subsequent committee or commission or both. That was really the point that we discussed most. This word "overeenkomst" or agreement just led up to it.

2217. This telegram made further argument or discussion about the matter quite unnecessary?—Yes, and there was never any further discussion about the matter.

2218. That letter of the 25th February, you think that gave General Hertzog entirely to understand that his motion was wholly unacceptable?—I think it certainly gave him to understand that his motion was wholly unacceptable.

2219. That it was futile to continue any discussion about the matter?—Well, I will not say that it was futile to continue the discussion, but I wanted to give finality to the matter, and I took what I considered the right step to do so.

2220. The Chamber was not prepared to accept the motion, so if you wanted to give finality to the matter why did you not make known the telegram that was sent?—I have given you my reason for that. I thought at the time that the telegram would have given offence to General Hertzog. General Hertzog had a motion to which he attached a great deal of importance. He and his party had been attacked in the House on the motion. I was not here to quarrel with General Hertzog or to rub his party up the wrong way. I had no inclination in that direction at all. And there never was any misunderstanding between General Hertzog and myself in regard to our attitude as to his motion. I thought, and I think to-day that I made myself quite clear to General Hertzog in regard to his motion.

2221. On the 28th February the interview given by you to Mr. Steinmeyer was reported in *Die Burger*, and he says in the report of the interview that he asked you "Is dit juis [S.C. 4—'22.]

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dat die Kamer van Mijnwese die mosie-Hertzog aanvaar?" (*Is it correct that the Chamber of Mines is accepting the Hertzog motion*), and you said, "Dis nie heeltemaal waar nie. Ek het al baie met Generaal Hertzog gepraat oor die voorstel." (*It is not entirely true. I have spoken a lot with General Hertzog about the motion*). Is that correct?—I do not think that the word "heeltemaal" (*entirely*) was used by me. I think that I just said "dit is nie waar nie" (*it is not true*). I had particularly hoped that we might see the notes of Mr. Steimmeyer, but he said he destroyed them. I am sure that was not in his original notes.

2222. Mr. Steimmeyer and Mr. Rompel both say that you showed them a telegram or what purported to be a copy of a telegram. Can you give an explanation as to why they should have been under the impression that what you showed them was in the form of a telegram?—I showed them absolutely nothing.

2223. So there is nothing that can justify that impression in their minds?—There is no room for any misunderstanding at all.

2224. Then you had an interview with Mr. Havenga after these articles in *Die Burger* and in the *Argus*?—I had an interview with him on the 28th February.

2225. Mr. Havenga says that on that date you came to see him, and met him in the reading room, and that you seemed to be upset that the matter had appeared in the Press. Is that correct?—I think that is probably correct—that I resented the matter in the Press.

2226. Mr. Havenga said that what had got into the Press was the incident with regard to the telegram which you were said to have handed to Mr. van Heerden?—That is not correct. The article in reference to which I saw Mr. Havenga is the article which appeared in *Die Burger* on Tuesday the 28th February.

2227. Mr. Havenga says that you brought up the fact that Mr. van Heerden had published the contents of this paper, but that you did not at that interview in any way deny what purported to be a telegram?—There was no discussion with Mr. Havenga in regard to any telegram. The only document discussed was my letter to General Hertzog.

2228. Before that particular interview I have been speaking to you about, there was the interview with Mr. Louw on the 24th February?—I think it was the 23rd February.

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Thursday, 18th May, 1922.

PRESENT :

MR. BISSET (Chairman).

Mr. van der Riet.
Mr. Beyers.

Mr. Jansen.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter of the firm of Messrs. Coulter & Co., Parliamentary Agents), appeared on behalf of Mr. J. L. van Eyssen.

Mr. Jacobus Lodewicus van Eyssen, further examined.

2229. *Chairman.*] You told us yesterday that you cannot suggest any explanation why Mr. Havenga and Mr. van Heerden and the other gentlemen I mentioned should have imagined that the thing you gave them was in the nature of a telegram?—No, I do not think so. that solution of the difficulty has never occurred to me yet.

2230. And that you yourself had never received from anybody any communication of the nature of what is said to have been contained in that alleged telegram?—That is so, and I have never seen anything like it in anybody else's hands or in anybody else's possession.

2231. Of course you realise in addition to these gentlemen whole names I have mentioned there are quite a number of others who say that they saw a document in the form of a telegram and more or less in the terms alleged by Mr. Havenga?—Yes, you mean General Hertzog and Mr. Fichardt.

2232. Yes, Mr. Fichardt, Mr. J. B. Wessels, Mr. Steinmeyer, Mr. Rompel, they all say they either saw or were shown or were told the contents of what purported to be a telegram received by you?—Yes.

2233. You cannot suggest any explanation how they came to form that idea?—No. I can suggest a theory. I can give no explanation. I certainly did not tell them anything of that nature and never had anything of that nature.

2234. You realise the Committee may be put into the position of having to decide on the one hand whether or not you concocted such a document or on the other hand whether or not, the story was concocted of this telegram?—Yes.

2235. You said yesterday on the 2nd March you had seen Mr. van Heerden and had an interview with him?—Yes.

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2236. That was after you had seen the article of the *Burger* of that date?—Yes.

2237. And after you had the interview with Mr. Rompel in the morning?—Yes.

2238. You discussed the matter then with Mr. van Heerden, you say that you agreed with him that it might all have been a misunderstanding?—Or he agreed with me, yes.

2239. Will you tell the Committee what was it that he agreed might have been a misunderstanding?—Our complete agreement with General Hertzog's motion. He agreed when I told him afterwards that what I had in my mind when I spoke to him, what was definitely in my mind and definitely expressed was so far as this Committee is concerned—this Commission—it was a matter of indifference to us how that was appointed, and the misunderstanding arose because Mr. van Heerden came under the impression that I included the whole motion in that.

2240. He agreed there may have been a misunderstanding arising in that way?—Yes.

2241. In the course of that discussion with Mr. van Heerden was anything said with regard to this telegram?—No, not a word.

2242. Did any question arise between you two that day as to whether there could have been any misunderstanding with regard to what had been taken to be a telegram?—No.

2243. *Die Burger* of the 2nd March in an article headed "Die saak van Eyssen" (*The van Eyssen Incident*) did specifically refer to this telegram?—Yes.

2244. You had seen that?—I had not seen that reference to the telegram.

2245. How was it you had not seen the reference to the telegram?—My attention was drawn to this article in the *Burger* on that morning by a newspaper office in town, and I went across there and I read that first leading article, or some of it, at any rate not even all of it, and went over to my office and wrote my reply to it.

2246. Had you not before you went to *Die Burger* office seen this article headed "Die saak van Eyssen"?—No, I had not.

2247. One would think it would have interested you more particularly?—I had seen it before I went over to *Die Burger* office in another newspaper office in Cape Town. My attention was drawn to it and that is how far it went. When I read portion of the first article and replied to that I did not even notice there was another article.

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2248. At the time you saw Mr. van Heerden you had not seen this sub-article headed "Die saak van Eyssen"?—There are two articles side by side. I will just say the first time I saw that alleged telegram printed was after this enquiry had been notified and when my solicitor and myself bought up all the copies of *Die Burger* during that period and read through them.

2249. You had never seen this alleged telegram before then?—Never before then.

2250. You never knew the contents of it?—I never knew the contents. The first time I came into contact with it was when General Hertzog in his speech of the 3rd April read something out.

2251. Did you not become aware of the contents of it then?—I heard what General Hertzog said that evening and then I became aware of the contents of it for the first time.

2252. Then the misunderstanding which you say Mr. van Heerden agreed might have arisen did not have any reference to this telegram?—No, none whatever. I also think that had this telegram been an affirmation of what Mr. van Heerden alleged in his interview my attention would no doubt have been drawn to it by members of this House, but as you see it is according to *Die Burger* the negative of Mr. van Heerden's statement. That is the only way that I can account for the fact that my attention was not forcibly drawn to it at the time.

2253. At this conversation with Mr. van Heerden on the 2nd March you say he referred to a note you had sent him?—Yes.

2254. And that that confirmed him and others in the impression that the Chamber was prepared to agree to General Hertzog's motion?—Yes.

2255. You are sure he referred to it as a note on that occasion?—I am quite sure, if he referred to it as a telegram the matter would immediately have become one for serious discussion.

2256. You told us yesterday what the contents of what you describe as your note to Mr. van Heerden were?—Yes.

2257. You say that you said in that note that you had heard it stated in the House that the Chamber of Mines accepted General Hertzog's motion, and that if it had come from Mr. van Heerden you would like him to put an end to these rumours, you went on to explain the Chamber's position and that you did not wish to mix in matters of this sort. Are you sure that the earlier part of what you say now was in that com-

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munication you made to Mr. van Heerden was really there?—Yes, I am sure of it.

2258. There can be no mistake about that?—There is no doubt in my mind about it.

2259. That is to say you are sure that the part telling Mr. van Heerden that you had heard in the House that the Chamber accepted the motion, and that it had come from him you would like him to put an end to that, you have no doubt about that?—I have no doubt that that was in the note.

2260. If that was not in the note I could understand some misunderstanding possibly about the matter?—Yes.

2261. However, you say you are certain it was in the note?—That is why I cannot for a moment think that that thing was confused with that alleged telegram.

2262. You say that to us definitely, realising the decision that may be forced on the Committee in this matter?—Well I am telling you what is my opinion about it.

2263. You told us yesterday the actual telegram you had received from the Chamber on the morning of the 24th you had not at that time shown to General Hertzog or any of the parties concerned in this matter?—No.

2264. And you did not show that because you thought it was tactless?—Yes, that was one reason and another reason was that that telegram had not contradicted my attitude.

2265. Did you, on the 5th April, say in the interview you had with General Hertzog that you did not show him that telegram because you had not received it?—No.

2266. Mr. van Heerden said that at the interview of the 5th April, General Hertzog asked you why it was that if you had that telegram from the Chamber of Mines you did not tell him about it on Friday the 24th at the interview and he says you replied that you had not yet got it. Is that the case? If Mr. van Heerden said that is it incorrect (Qn. 455)? Then your two reasons for not showing that telegram were that you thought it tactless and it did not contradict your attitude?—Yes. In any case I did not show the Chamber's telegrams to any but authorized people.

2267. It is the case I suppose that when you came down here you were very anxious to create an atmosphere friendly to the Chamber of Mines?—Certainly.

2268. I suppose you were very anxious to give the Nationalist party a favourable impression of the attitude of the Chamber of Mines?—Not of the attitude of the Chamber of Mines.

2269. Of the whole case that they were fighting?—Yes, to give them a true representation of that case.

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2270. The other gentlemen said here, at all events up to the 23rd February, they were under the impression, from what you said, that the Chamber of Mines would accept this motion?—I heard that was so.

2271. Do you think it is possible in your anxiety to give a favourable impression with regard to the attitude of the case of the Chamber you perhaps went a little further than you realised at the time?—I do not think so, I am sure that I did not.

2272. General Hertzog has told us that he saw you on the morning of the 18th and he got from you the impression then that you had no objection to his motion?—My reply to that is that we did not discuss his motion at that meeting of the morning of the 18th.

2273. Then you say on the evening of the 18th you had that discussion in the Royal Hotel?—Yes.

2274. And while General Hertzog does not wish to come to a positive agreement there he says that he left that meeting with the impression that you were not objecting to the motion?—I left the meeting with the impression that I had not agreed to the motion.

2275. At that meeting it is the case that various difficulties arising out of his motion were raised and discussed?—Yes.

2276. And General Hertzog in the course of the discussion met difficulties that you raised and put forward?—I do not think he met them, he may have thought so.

2277. Is it possible that you left him under the impression that he met them to your satisfaction?—I do not think so. I was not there to argue the motion with General Hertzog and I did not argue the motion with him. I stated to him points of difficulty which were impossible of acceptance. I left it at that. General Hertzog went into a lengthy explanation about it.

2278. You put points that were impossible of acceptance?—Yes.

2279. Tell me in a few words what were the points?—Clauses (a) and (b) of the motion. The whole of clause (b).

2280. That is to say that it is desirable that the mine labourers at present out on strike should immediately resume their work, and that the mine owners should immediately re-instate them?—Yes.

2281. Did General Hertzog give you an explanation of what the scope of that clause was?—Yes he said that he was not going to expect any impossibility from the mine owners.

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2282. And that it meant that you should take back the men so far as possible?—Yes, that is what the motion said.

2283. He told you that is what he meant?—Yes.

2284. Did you leave him under the impression that that satisfied you?—Oh no.

2285. Did you tell him specifically that would not satisfy you?—I do not know whether I told him so specifically, I did not go there to argue the motion with him.

2286. If you were defining your attitude clearly how was it when a point occurred which you specifically discussed General Hertzog should have had the impression that you had acquiesced?—I do not know how he came to have had the impression, I pointed out to him that portions of the mines were flooded and between 40,000 and 50,000 natives repatriated and it was impossible for all the men to go down to work.

2287. Take clause (a) you say there you could not agree?—No.

2288. What was the specific point you could not agree to?—I took it by the word “agreement” there they meant the *status quo* agreement and we had definitely come to the conclusion that any re-organisation of the industry was impossible while that thing existed. I made that perfectly clear and went further and said that the *status quo* agreement was the root of all the trouble, and it is no doubt too, that political capital had been made in the country.

2289. General Hertzog could not meet you in any way on that?—No, so far as I remember he could not. But General Hertzog did not discuss according to my memory this *status quo* excepting he said there is no difference in his mind between the *status quo* and the colour bar, that it is mostly a quibble.

2290. General Hertzog could have been under no illusion as to your attitude in regard to it?—I am sure he was not under an illusion.

2291. Your answer entirely excludes the possibility of any misunderstanding with regard to this matter?—I realise that.

2292. I am putting it to you whether in your anxiety to please and be tactful it is not possible perhaps you did not define your attitude at this time so clearly as was subsequently done?—I do not think so. I think to have left General Hertzog under that impression would have been extraordinary.

2293. During the three days, the 20th, 21st and 22nd February, you saw various members of the Nationalist party and Mr. van Heerden in particular?—Yes.

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2294. You saw a great deal of him during these three days ?
—Yes.

2295. As well as other members of the party?—Yes.

2296. Mr. van Heerden says, and others have said, as you know, from the evidence here, they were all under the definite impression that you had no objection to this motion?—Yes.

2297. And you know that as early as the 24th and 25th February *Die Burger* was saying in its articles that the representative of the Chamber had expressed the willingness of the Chamber to accept the motion and that that had been told to various members of Parliament. You know that now?—Yes.

2298. That impression must have been derived from what people had gathered from interviews with you?—I think that can be explained. I think that the majority of members of the Nationalist party did not realise the difference between our point of view and their point of view in regard to that motion. They thought that the crucial question was the appointment of the Commission which as you know was the crucial question before the House, and when they found that we were indifferent and we would accept the Commission anyway I think they ran away with the idea that we accepted the whole motion.

2299. But then in the course of these discussions did you not bring to their attention the fact that these paragraphs (a) and (b) were paragraphs that could not be accepted?—I think you are under a wrong impression. I was not discussing this motion with members of the Nationalist party all the time.

2300. Not with various members?—Not even various members, the only man who asked me about the motion I remember quite clearly is Mr. van Heerden and subsequently Mr. Tielman Roos.

2301. *Mr. van der Riet.*] On the 27th February?—Yes, apart from General Hertzog.

2302. *Chairman.*] That is where you think the mistake has arisen?—Yes, it formed an insignificant portion of my discussion with members down here, a negligible portion.

2303. At all events you think it is on that line that the idea arose that you were prepared to accept the motion?—That is the only explanation I can find for it.

2304. With regard to the evidence that a number of these gentlemen have given that they were shown what purported to be a telegram received by you from the Chamber of Mines, I think you said you had some theory to explain that impression?—I had rather not.

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2305. You know Mr. van Heerden has said that he asked you for some evidence both of your authority and of some assurance that the Chamber really was prepared to adopt this motion and that you said you would send a telegram. Must we take it if Mr. van Heerden says that in response to such request from him you undertook to send a telegram, that it is quite untrue?—It is not a fact.

2306. I want to come to that interview arising out of the Louw incident. In answer to question 211 Mr. van Heerden gives his version of what took place (reads Qn. 211). Is that quite incorrect?—That is incorrect.

2307. You made no such observation?—No.

2308. Then he says that you went into the writing room and that you suggested to General Hertzog “there are two words in your motion that I would like you to alter.” Is that the case?—I do not think so. I do not remember it.

2309. At all events he says “I said before you put that question let me ask you definitely did you not tell me that I could preach it from the housetops that you accept the motion of General Hertzog” and to this you said “Yes.” Did he ask you that question?—I told you yesterday my recollection of what happened at that interview is not clear. I remember at some interview Mr. van Heerden asked me that question and when Mr. Fourie gave his evidence I came under the impression that it was possibly at that interview at which it happened, and about this I am certain if Mr. van Heerden did ask me such a question my answer would have been clearly and concisely “No.” It could not have been that answer, that is impossible.

2310. You had an opportunity now to think over that interview that took place immediately following the Louw incident and is your memory any clearer now with regard to what happened there?—No.

2311. Do any incidents in the writing room come back to you?—No, excepting that I connect that question of Mr. van Heerden, that mention of his that I told him that I accepted the motion without reservation, I remember that cropped up and I thought of various interviews at which it might have cropped up but cannot think of anyone excepting this one.

2312. You have got no definite recollection of it?—No.

2313. In connection with that same interview I will read to you what General Hertzog says in answer to question No. 932, in order to refresh your memory. (Reads Qn. No. 932.) In regard to the last few lines, that is very much what

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Mr. van Heerden has said, that you cannot remember?—
I am sure that did not occur.

2314. Then let me read to you General Hertzog's answer to question No. 933. He says he actually read it himself. That is what General Hertzog says took place there. Can you remember anything of that sort happening there at all?—That is definitely not so.

2315. General Hertzog says during the course of that conversation with you he said "Well I think that the position taken up by the Chamber of Mines is fair?—" *Billik* " is the word he used. He did not say that at the interview. When I handed him the letter in front of the Royal Hotel that morning I told him the contents of the letter and he said "ja dit is billik" (*yes, that is fair*). I complained to him that morning also about these interjections and this impression being created and he said "I will see that an end is put to it." On that particular morning I remember his using the word "*billik*."

2316. You see there that General Hertzog's account of what took place on this occasion is very specific as to this telegram being shown. I must understand from you that there was nothing whatever that could have happened on that occasion that could possibly have left upon his mind the impression that anything in the nature of a telegram was shown?—I am quite positive about that.

2317. Then let me come to what happened on the 5th April. You say you heard General Hertzog's speech on the 3rd April?—Yes.

2318. On the 5th I suppose you saw in the *Cape Times* the publication of the communication from the Chamber of Mines?—Yes.

2319. And you read it?—Yes.

2320. You got the letter written by Mr. Havenga asking you to meet General Hertzog?—No, the letter was handed to me in the room where the meeting was.

2321. You did not get it before you met him?—No, I got a telephone message to come and see him.

2322. The letter had been sent and it did not find you and was brought back and was handed to you in the room in which the meeting took place?—Yes.

2323. Look at this letter (Appendix C.) Is that the letter that was handed to you in the meeting?—Yes.

2324. Did you write an answer to this letter?—Yes.

2325. When?—That evening.

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2326. After the interview?—Yes. The letter I left in my office and I wrote the answer in the evening at the Mount Nelson hotel between 6 and 7 o'clock. As we had discussed the thing in the morning I did not refer to the letter. I did not open it until I took it out in the afternoon and even then I did not think of replying to it. After the interview there was no call to reply to it, but I had a definite reason afterwards for writing. I wanted to know where this telegram came in which was referred to, whether it was before or after my letter.

2327. You wanted to know definitely where that came in?—Where they fitted it in, whether it was after the letter I had written to General Hertzog of the 25th February. It was to me an amazing thing I did not know what to make of it. I received no reply to that letter and I wrote one on Thursday again with the same object in view.

2328. At the time you wrote this letter did you not know what telegram it was that Mr. Havenga was referring to?—No, I had no idea at all.

2329. Could you form no conception what telegram it could be that Mr. Havenga was referring to?—No, the thing was an amazing thing to me.

2330. Did you read General Hertzog's speech of the 3rd April? Did I understand you to say just now that on the 3rd April when making that speech General Hertzog did refer to this alleged telegram?—Yes.

2331. And you had read that?—Yes.

2332. Then that was the first you had seen with regard to that telegram?—Yes.

2333. And I presume it struck you very forcibly?—Oh yes.

2334. When you received this letter of Mr. Havenga written on the 5th April did you not connect the request he makes with the telegram General Hertzog refers to in his speech of the 3rd April?—I think I must have done.

2335. Then you must have known what telegram it was that General Hertzog wanted?—Yes, I have told you I was not so much concerned with what telegram it was, I wanted to find out when this alleged telegram was supposed to have been shown to him.

2336. Had General Hertzog not said in his speech when this telegram was supposed to have been shown?—I did not gather that; the impression on my mind was that the telegram may have been in the period prior to the introduction of the motion, during that week or subsequently and later than the 25th February.

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2337. At all events you knew that Mr. Havenga was asking for that telegram that General Hertzog had referred to in his speech?—I must have known.

2338. If you knew the letter referred to that telegram why did you not write back immediately and say obviously this refers to the telegram General Hertzog mentioned on the 3rd April and no such telegram existed?—I do not know. I cannot see why I should have written that. I had only one object in my mind when I wrote that letter to fix the approximate date for this telegram. I wanted to find out where that telegram came from.

2339. What was the special object of fixing an approximate date?—I did not know what they were referring to. I did not know whether there was a telegram published of which I knew nothing at all which they may possibly have in their possession.

2340. You knew the telegram they were asking for was the telegram purporting to be sent to you?—Yes, it was all very vague just at that time, this whole telegram incident.

2341. Let me refer to what Mr. Havenga wrote (Reads Appendix "C"). As you see that letter left you in no doubt as to what telegram it was that was being referred to; then what was the importance of ascertaining the date of this particular telegram?—I wanted to know whether it was before or subsequent to my letter of the 25th February.

2342. Why?—Because it seemed to me that either would cancel the other.

2343. But if you knew that there was nothing of that kind that you had ever received and shown to Mr. van Heerden and to General Hertzog why not simply say so at once?—I have said so in the letter.

2344. You ask him for more particulars?—Yes those particulars I want.

2345. You say "so far as I know I never showed you or Mr. van Heerden a telegram"?—Yes.

2346. You tell us now positively that beyond any doubt whatever there was never anything resembling such a telegram?—Yes.

2347. If that is so what is the use of asking them for more particulars?—I did not know at that time what this thing was, where it had come from, where it had originated from, whether it came from me or somebody else to them. It was an amazing thing to me I could not solve it at all. I did my best then to get more particulars. The first thing that occurred to me was possibly that a forgery had been sent
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through the Post Office and that that forgery had come into their hands somehow or other. I had that possibility in mind that possibly a forgery had been committed in Johannesburg and the telegram came down to them.

2348. Do you suggest when you wrote this letter on the 5th April in answer to Mr. Havenga's letter you had in your mind the possibility of there being a forged telegram?—That was one of the things I had in my mind. I wanted more particulars about the thing so that I could know where I was and what steps to take.

2349. If that is so why did you use this expression “so ver ek weet” (*as far as I know*). We have your positive evidence to say there could never have been anything of the sort so far as you are concerned?—That appears to me to be positive enough. It is to my mind a positive denial that I showed them such a telegram.

2350. *Mr. Jansen.*] You did not mention General Hertzog in that letter. You say so far as you know you did not show a telegram to Mr. Havenga or Mr. van Heerden?—I did not have Mr. Havenga's letter before me when I answered it. I wrote that letter up at the Mount Nelson Hotel between 6 and 8 o'clock. I left Mr. Havenga's letter on my office with my other papers.

2351. *Chairman.*] When this letter of Mr. Havenga was handed to you in the room did you read it?—No, I did not even break the cover, in fact I handed it back I thought it was a note asking me to meet General Hertzog. When they gave me the letter I said I do not think I require this and they said you better take it and I put it in my pocket.

2352. You told me just now that you wanted to ascertain the date of that telegram?—The relative date that telegram was sent, I wanted to obtain the relative date of the telegram to that letter of the 25th February.

2353. The date as a fact of that telegram had not been given in General Hertzog's speech?—I did not hear it.

2354. I can tell you in the report of General Hertzog's speech he does not state the date when that telegram is supposed to have been received and was shown?—I heard his speech and do not remember that. I particularly noticed he did not mention my letter when he made that speech on the evening of the 3rd April, and noticed that this telegram was something vague and did not know whether it was in March, April or February.

(The Chairman observes that on reference to the reports appearing in the press of General Hertzog's speech of the

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3rd April it does not appear that the date of receipt or of the showing of the telegram was mentioned.

Chairman read that portion of General Hetrzog's speech as reported in the *Cape Times* on the 4th April.)

2355. Mr. Jansen.] Have you ever told any member that you sent a wire to the Chamber of Mines?—I do not think so. You mean that I had sent that particular wire? No, I do not think so.

2356. Have you ever told any member of the House that you were going to send any telegram to the Chamber?—I do not think so.

2357. Have you ever told any member that you have received a wire from the Chamber?—No, I did not.

2358. Mr. van der Riet.] How did you send the telegram of the 23rd February, from the Parliament telegraph office?—Mr. van Heerden went with me.

2359. Did you not inform him what the telegram was to be about?—I do not think I did. My impression is that I did not tell him what telegram I was sending. He went with me into the little telegraph office. I will not positively say that I did not tell him what I was sending, but my impression is that I did not tell him.

2360. Mr. Beyers.] Do I understand that your evidence is that you never told any member of the House that you were going to wire or that you had wired or that you had received a wire?—That is my evidence.

2361. You say you may have told Mr. van Heerden in the telegraph office you were wiring?—I say that is possible, but I do not think I did. I do not want positively to say that I did not. I cannot think of any reason why I would have disclosed that.

2362. Chairman.] I come now to what took place actually at the interview on the 5th April. General Hertzog in answer to Question 942 says the following (reads Qn. 942). That, you see, is General Hertzog's version of what took place at this interview on the 5th April?—Yes.

2363. Is it the case that General Hertzog at that interview said, "I want you to give me a copy of that telegram you showed us"?—When I came into the room General Hertzog showed me a copy of the *Cape Times* and asked whether I had seen it, and I said "Yes." He asked whether I received any other telegram from the Chamber of Mines, and I said "No." He asked whether I had shown any member of his party any other telegram from the Chamber of Mines, and I said "No." That is all that I remember of the telegram
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being discussed at that particular meeting. Then I said to General Hertzog: "I gave you the purport of the Chamber's reply in my letter to you of the 25th February; I took the letter out and handed it to him, and he read it out aloud—the whole of the letter—and then he said to me, "You received this telegram and did not show it to me." That was the point in his mind, that I received this telegram and did not show it to him.

2364. I asked whether at that interview General Hertzog said to you, "I want you to give me a copy of that telegram which you showed us"?—No.

2365. Did you say at that interview, "Yes, I want to say I showed that telegram "*vertrouelik*" (*confidentially*) to Mr. van Heerden"?—Nothing of the sort about that.

2366. Did you complain at that meeting at all of Mr. van Heerden having shown the others what was a confidential document?—Not a word about it.

2367. Did you at any other time or at any other interview complain of Mr. van Heerden having shown what was written to him confidentially by you?—No; except when I saw him on the 2nd March he mentioned that my note had given him and others the impression that the Chamber agreed to General Hertzog's motion. I said to him then, "Why show it to the others, it was private," and he made some explanation. I said, "I do not see how my note could have given you that impression." He did not produce the note; we did not discuss it any further, and left it at that. That was the 2nd March. Nothing else ever occurred. The telegram was never mentioned to me by either Mr. van Heerden or Mr. Havenga or anyone else.

2368. You do not remember any observation of that sort being made at the interview arising out of the Louw incident?—No.

2369. You say the only occasion could have been the 2nd March?—Yes, it was on that occasion that we discussed it.

2370. Did you complain on the 2nd March to Mr. van Heerden of his having shown what was confidential?—You say complain; I mentioned it, it was not a very serious thing. I think I did mention it.

2371. On this occasion, the 5th April, with General Hertzog, you are positive you said nothing about Mr. van Heerden having shown what was confidential?—Certainly not.

2372. The word used by General Hertzog is "*vertrouelik*"?—Yes, it will be confidential.

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2373. He says you said, "Yes, I want to say I showed that telegram 'vertrouelik' to Mr. van Heerden," is that incorrect?—I say that is incorrect.

2374. And he says, "Then he (Mr. van Eyssen) then attacked Mr. van Heerden for having broken his confidence by having repeated or made it known"?—I never spoke to Mr. van Heerden that morning excepting when we left the room I said to him and Mr. Havenga that if General Hertzog did not lose his temper we could have cleared this matter up right there, and I think we could have cleared it up.

2375. General Hertzog says he turned to you and said, "No, excuse me, you showed me that telegram and spoke to me on various occasions, but never on one single occasion did you ever give me one single impression that anything you told me or showed me was 'vertrouelik' (*confidential*)"?—No, nothing of that sort.

2376. He says that he went on again and said, "All I want to know from you is this, can you give me a copy of this telegram—yes or no." There he said again specifically he asked for a copy of this telegram. You are positive that nothing of that sort was asked?—That interview we had in that room is absolutely clear in my mind. That morning I went to see him in the Opposition leader's room, where I was supposed to meet him. I got into the room and found Mr. van Heerden and Mr. Havenga sitting there with General Hertzog and, naturally, I was very careful about what I said and was very careful about what took place, and my memory of what took place that morning is very clear.

2377. Mr. Havenga also says that you were pressed on that occasion for a copy of the telegram, and you did not deny that you had ever got such telegram?—No. I did not know what they intended asking me. The thing went up like a pack of crackers before we had been busy, at the outside, two minutes. I also remember it stated in evidence that I lost my temper at that meeting, but nothing can be further from the truth than that.

2378. Is it the case at that interview General Hertzog rose to fetch the *Cape Times* and referred to what the Chamber of Mines said?—He had a copy of the *Cape Times* in his hand when I came; it was the first thing he showed me, he kept it in his hand, and sat next to me.

2379. He says he took the *Cape Times* and said, "Look here, the Chamber of Mines says it sent this telegram; is that so?"—that is to say, the telegram stating that the
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motion was entirely unacceptable?—That is correct; he showed me that.

2380. He says this: “ I turned to him and said to him ‘ wil jy my laat verstaan dat jy daardie telegram gekry het en dit nie aan ons gewys nie. Wil jy ons laat verstaan instede van daardie telegram jy ons ’n ander gewys het ’ ” (*do you wish me to understand that you received that telegram but did not show it to us. Do you wish us to understand that instead of that telegram you showed us another telegram*). Did he say that?—Portion of that is correct, where he said to me you received this telegram from the Chamber of Mines and did not show it to me. That is correct.

2381. Was your answer yes or no?—Yes; I said I gave him the purport of this telegram in my letter, and I then handed him the letter. Then a little time was taken up by General Hertzog reading the letter out aloud, and that was the end of the interview.

2382. Did he dispute that letter contained the purport of the telegram that the Chamber of Mines had sent?—No; he did not dispute that.

2383. Did he say before he left the room: “ Genoeg nou se ek vir jou dat jy my nie weer onder die oe kom nie en ook nooit weer sal ek jou sien nie ” (*enough, now I tell you don't you come in my sight again, I don't want to see you ever again*)?—I think he said to me “ ek het klaar met jou ek wil jou nie weer sien nie ” (*I am finished with you, I don't wish to see you again*).

2384. Did he leave the room in a state of great indignation?—I have seldom seen a man so angry.

2385. When did he become so angry?—After he read my letter of the 25th February. He gave it back to me and said: “ The real point is that you received that telegram and did not give it to me,” and then he made use of these remarks that he does not want to see me again; he is finished with me.

2386. Can you explain if the letter contained in effect what was set out in the telegram why should he have been so indignant at finding you had not confided to him the telegram?—I can explain that, but would rather not. I will rather leave that to the Committee; I do not want to give my opinion about these things.

2387. Then we must take it definitely from you that the cause of General Hertzog's indignation was not in any way the fact that he said you had received one telegram and showed him what purported to be another?—That I wish you to understand.

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2388. Any evidence that he has given with regard to what took place at that interview to the contrary effect is quite incorrect?—Is incorrect; I do not agree with it.

2389. After this interview of the 5th April General Hertzog told us, I think, that he made a speech in the House in which he gave his account of what had taken place that morning?—Yes, I was not in the House that Wednesday afternoon.

2390. You did not hear this speech?—No.

2391. Did you read a report of the speech making reference to this interview?—Yes, I read it in the *Cape Argus* that evening, in the stop-press column.

2392. Any other paper?—No.

2393. *Mr. Beyers.*] What date was that?—The evening of the 5th April. I read it in the House after 8 o'clock.

2394. *Chairman.*] You saw this report of that speech in the City Late Edition of the *Cape Argus* on the 5th April?—Yes, I read it in the House in the evening. Mr. Steytler showed it to me.

2395. In that report it appears that General Hertzog said you admitted having received the wire that the motion was impracticable, and you also admitted not having communicated that wire to the Nationalists. At the same time you admitted having submitted the other wire as the reply received, but refused to give a copy of that telegram to members. On being asked whether that telegram had been received from the Chamber or whether it had been forged you refused to reply? You saw that?—Yes.

2396. On that what steps did you take?—I wrote a letter that evening and got the paper to insert it. It appeared in the *Cape Times* of the morning of the 6th.

2397. Did you reply in the *Argus* at all?—Only in the *Cape Times*; to these particular remarks I replied in the *Cape Times*. (*Chairman reads letter from "Cape Times" of 6th April.*)

2398. There was also a letter by Mr. Steytler?—Yes.

2399. *Mr. van der Riet.*] You do not say in that letter definitely "we do not admit it." The *Argus* had specifically said you had admitted having shown it, and you do not specifically deny it?—I think I did, but I was not so much concerned with that; I was concerned with the purport of General Hertzog's speech, which gave the impression that the Chamber had agreed to his motion and that I had shown such a telegram.

[Chairman intimated to Mr. Davis that a letter had been received from General Hertzog, dated at Bloemfontein, [S.C. 4-'22.]

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Saturday 13th, 1922, written to the Chairman enclosing what purported to be a statement of the admissions made by Mr. van Eyssen at the interview of the 5th April, such statement being in Mr. Havenga's handwriting.

That the Committee would consider whether this communication would be used as evidence, but before coming to any decision would give him the opportunity of dealing with it; and that Havenga would have to be recalled and questioned on this statement because it had not been put to him.

Mr. Davis does not object to notice being taken of the document and covering letter.

2400. *Mr. Jansen.*] I think you told us you never read *Die Burger*?—Yes, I do not read *Die Burger*.

2401. If you come down from up country do you read the *Cape Times* every day?—I read it mostly every day. I think I read it every day; yes.

2402. You came down partly to make propaganda of the case for the Chamber of Mines?—Yes.

2403. Was it not, then, of great importance that you should see then from day to day what appeared in the papers?—Yes, I listened every day to what happened in the House and read both the *Argus* and the *Cape Times*. I did not read *Die Burger*.

2404. You spent a lot of time with the Nationalists?—Yes.

2405. Did you not think it necessary to read their paper to see what was being stated there?—I did not think so and I do not think so now.

2406. Who drew your attention to the article in *Die Burger* of the 2nd March?—My attention was drawn to it in a newspaper office in Capetown.

2407. Was your attention drawn to any specific part of it?—After that there was an article in the morning in *Die Burger* about the same subject again.

2408. You only read the first part and then went and wrote a reply to the article?—I only remember distinctly that the last part which is purported to be an interview with Mr. van Heerden, that I never read, and I do not think I read the whole of the first leading article or the editorial comments on it.

2409. This article "die Saak van Eyssen" of the 2nd March, can you tell up to where you read that article?—Quite impossible.

2410. You notice less than half way down in that article is the following statement, in the second paragraph starting with "Inmiddels": "Die Kamer het dus in die moeielik-

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heid gekom. Sy gevolmagtigde verloen kon hy nie. Dus is 'n telegram gestuur wat 'n meesterstuk van diplomatieke dubbelsinnigheid mag genoem word. Die kamer handhaaf die mag van Mnr. van Eyssen om as gevolmagtigde sy diskressie te gebruik maar verklaar te gelijk dat die beslissing aan die lede van die Volksraad gelaat moet word." (*Consequently the Chamber found itself in a difficult position. It could not repudiate its representative. Therefore a telegram was sent which may be called a masterpiece of diplomatic ambiguity. The Chamber confirms the power of Mr. van Eyssen to use his discretion as representative, but declares at the same time that the decision must be left to the members of the House of Assembly.*) You say you did not read that?—I do not think so, I am pretty sure I did not come across that.

2411. Did you confine yourself just to the first part which deals with Mr. van Heerden?—Yes and to a denial of the whole thing, of that particular rumour or statement that the Chamber accepted General Hertzog's motion.

2412. And did you not see the article next to that "Die Kamer en mosie Hertzog. Geskiedenis van die van Eyssen onderhandelinge" (*The Chamber and the Hertzog motion. History of the Van Eyssen affair.*)?—I am quite sure I did not read that, I do not think I saw it. I am quite sure that the first time that I read that article was after General Hertzog's petition had been presented.

2413. Can you explain how you would go and sit down and write a letter in reply to an article which you had not read?—It was an old thing by that time. I had already by that time denied it in the press twice.

2414. On which occasions?—On the 27th in the *Argus* and on the 28th in *Die Burger*. It was nothing new to me.

2415. When was your attention drawn to the articles in *Die Burger*?—On Monday morning, the 27th February.

2416. That is "Die verantwoordelikheid van Generaal Smuts." Is that the article?—No, I should put it this way. My attention was first drawn to these rumours on the 27th and the first time I read *Die Burger* article was on Tuesday, the 28th.

2417. Was that the article which appeared on Tuesday, the 28th?—Yes, and a member of the House drew my attention to it.

2418. Are you sure that was the first time your attention had been drawn to the article?—Yes.

2419. Refer to the article in the *Argus* of the 27th February "Nationalist Canard." It reads: "Mr. J. L. van Eyssen, [S.C. 4—'22.]

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who is acting as representative of the Witwatersrand Chamber of Mines in Cape Town, called at the Argus office to-day to contradict a statement"; that is rather against your statement that first of all your attention was drawn to the articles on the 28th?—I said the first article I read was on Tuesday, the 28th.

2420. The *Argus* says you came to their office to contradict a statement which appeared in the Nationalist press?—Quite correct.

2421. Had you seen the article in *Die Burger* of the 27th?—I had not seen that.

2422. How did you come to contradict a matter which you had not seen?—I was told about this article through the telephone, and I left my work and went to the Argus office to contradict it.

2423. Did you not refer to the article itself to see what had been said?—I did not. I did not have the paper with me.

2424. The article of the morning of the 27th February contains this: "Die ander party, die Kamer van Mynwese, het egter ook sy bereidwilligheid daartoe te kenne gegee. Die verteenwoordiger van die Kamer, wat die handeling van die Volksraad bywoon, het aan verskeie lede van die Raad meege-deel dat die Kamer heeltemal gewillig is die voorstel-Hertzog te aanvaar as 'n middel om die moeilikheid op te los. 'Verkondig dit van die dake,' is sy raad. Verder het ons verneem dat die Regering bekend gestel is met hierdie gewilligheid van die Kamer." ("The other party, viz., the Chamber of Mines, has, however, also intimated its willingness to accept it. The representative of the Chamber who attends the deliberations of the House of Assembly, has informed several members of the House that the Chamber is perfectly prepared to accept the Hertzog motion as a means for solving the difficulty. His advice is 'publish this from the housetops.' We have also been told that the Government has been informed of this willingness of the Chamber.") Did you at that time see this in the paper of the 27th?—No, I did not.

2425. When did you first see it?—When I bought the newspapers after General Hertzog's petition, after this inquiry was agreed on.

2426. That is, I suppose, what is referred to as a Nationalist canard in the *Argus* on the same date?—Yes, I do not know whether it was specifically that. You will notice if you go through *Die Burger* further back it starts with it on the 24th February.

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2427. The *Argus* says that you went there specifically to contradict a statement that appeared in the Nationalist press?—Yes.

2428. You say you had not seen at that time any of these statements?—No, I had not seen them; I had not read any of them.

2429. That appears to me very curious that you who were here as the representative of the Chamber, knowing that statements were being made in the press, did not refer to them, seeing that you were representing the Chamber of Mines and were doing propaganda work here in the interest of the case of the Chamber?—It would have been if I had seen them and not contradicted them.

2430. You saw the article on the 27th?—The first one I read was on Tuesday, the 28th; that I remember quite well; I read it in the House.

2431. On the 28th you had this interview with Mr. Steinmeyer?—On the 27th; on Monday.

2432. Did you get *Die Burger* of the following day to see how that interview appeared?—I gave instructions to have several *Die Burgers* bought.

2433. Did you read *Die Burger* of the 28th?—I read this article in *Die Burger* of the 28th.

2434. Did you read anything else?—I read my interview in *Die Burger*; I do not think then; I might have read it then. It was cut out for me and kept for me.

2435. In the same paper on the 28th there is a leading article in which the same statement is made. In the third paragraph it says: “Met die Kamer van Mynwese was dit ook nie anders gesteld nie. Die verteenwoordiger van die Kamer van Mynwese alhier het aan verskeidene lede van die Volksraad meegedeel, dat die Kamer bereid was om hom te onderwerp aan die voorstel van Generaal Hertzog. Hierdie muis het egter ’n stêrtjie gekry. Die bereidverklaring van die Kamer van Mynwese om op Generaal Hertzog se voorstel in te gaan, het Generaal Smuts natuurlik in die krop gesteek.” (*Neither was the position of the Chamber of Mines different. The representative of the Chamber informed several members of the House of Assembly that the Chamber was prepared to submit to the motion of General Hertzog. Hereby, however, hangs a tale. The willingness of the Chamber of Mines to favourably consider the motion of General Hertzog stuck in General Smuts’ gizzard.*) And a little further down: “Die Kamer moes dus sy posiesie wysig, wou hy geen openlike breuk met die Eerste Minister hê nie. Dit het tot gevolg gehad die nuwe verklaring, wat nou deur die
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verteenwoordiger van die Kamer van Mynwese versprei word, nl. dat die Kamer nie bereid is die voorstel van Generaal Hertzog in sy geheel aan te neem nie." ("The Chamber had therefore to change its attitude, unless it was prepared to openly break with the Prime Minister. The result of this was the new statement which is now being spread by the representative of the Chamber of Mines, viz., that the Chamber is not prepared to accept in its entirety the motion of General Hertzog.") Did you read that article?—Yes, I think I read most of that at the time.

2436. You did nothing to contradict that?—I contradicted it the day before.

2437. But this contradiction appears in the same paper on the 28th?—Yes.

2438. Did you never do anything to draw the attention of *Die Burger* that you had contradicted this and that notwithstanding they continue to make these statements in the leading article?—I did not. They had my contradiction in the plainest terms when this article was written. When a man does that kind of thing it is a waste of time to repeat one's contradiction. You will notice there is an article written here with my contradiction in the hands of the editor and he never mentioned my contradiction.

2439. You mean in the leading article?—This article is written after my contradiction is come with the preamble of the editor. We have the wording of the contradiction and the editor does not make any mention of that at all. *Die Burger* had by this time burnt its fingers definitely by this story of acceptance of the motion. I only learned that since. It had been spread far and wide over the country in the Pretoria paper, the Bloemfontein paper. I read *Die Volksblad*, Bloemfontein, and *Ons Vaderland*, Pretoria.

2440. In *Die Burger* of the 28th there is a footnote to the article "Kamer van Mynwese en die Hertzog voorstel" (*Chamber of Mines and the Hertzog motion*) which reads "In verband met hierdie verklaring verwys ons na ons hoofartikel elders in hierdie nommer, waarin ons verder op hierdie vraagstuk ingaan" (*in connection with this statement we refer to our leading article in to-days issue, where we discuss the question more fully*)?—They must have known it then, they knew my contradiction when they wrote that leading article.

2441. Does that not convey to your mind that the interview which is published there and at the footnote of which reference is made to the leading article, shows that the Chamber had changed its attitude and that is referred to in the article, "die

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muis het 'n stert gekrij''? (*thereby hangs a tale*)?—I think probably so. I think that the editor wrote this article which appeared on Tuesday the 28th when he knew of my contradiction and had it before him.

2442. In the leading article he indirectly refers to that by saying that the Chamber has now altered its attitude?—Yes, well that is just a reference, perhaps for the sake of conscience. The leading article does not specifically draw attention to the fact that elsewhere in the columns there is a denial by the Chamber. This article still goes forth upholding that position that *Die Burger* had taken up that the Chamber agrees to the motion.

2443. Is not the position that the Chamber through you had taken up an attitude, but that it had now changed and gives reasons for that change?—Yes, I do not want to go into the reasons, you will see the reasons given are an attack on General Smuts.

2444. You did not think it worth while contradicting them? No, certainly not, I had contradicted it just the day before.

2445. I understood you said in your evidence that you had only got as far as paragraph (a) in the discussion on General Hertzog's motion. That you did not discuss any other part of the motion itself?—Yes.

2446. On what day was that interview with General Hertzog?—Definitely on Thursday.

2447. Did you have any interview on Friday?—No.

2448. I see in your letter to *Die Burger* you wrote "Op Vrijdag 24 Februarie het ek vir die laatste keer dieselfde mosie met Generaal Hertzog bespreek" (*On Friday, the 24th February, I discussed for the last time the same motion with General Hertzog*). Is Friday the 24th wrong?—Yes, I went over things carefully and decided then with dates and other information I had that the date is definitely Thursday the 23rd.

2449. You had no interview with him on Friday?—No. When I made this statement to *Die Burger* I had in my mind that interview of Thursday.

2450. In that letter to *Die Burger* of the 3rd March you say "Op Vrijdag die 24ste Februarie het ek vir die laaste maal met Generaal Hertzog oor sy mosie gepraat en hom gewys op die woorde 'en ooreenkoms' in die aanhef van die mosie. Daar die punt (a) van die aanhef slaan op die *status quo* ooreenkoms, is dit nie so nie" (*On Friday the 24th February, I discussed for the last time with General Hertzog, his motion, and drew his attention to the words "en overeenkomst" (and agreement) in the introduction to the motion. That point (a) of the*

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introduction refers to the status quo agreement, is that not so). Was that included in your letter?—It may be, not in this form. This is in the form of an interview and it is put as if the editor asked me that question.

2451. We will put it this way, in your letter which you had written to *Die Burger* you say “op Vrijdag die 24ste Februarie het ek vir die laaste keer dieselfde mosie met Generaal Hertzog bespreek en hom gewys op die woorde ‘en ooreenkoms’ in (a) van die preamble en verder op die onmoontlikheid van al die stakers terug te neem so als in (b) vastgestel” (*On Friday the 24th February I discussed the same motion for the last time with General Hertzog and drew his attention to the words “en overeenkomst” (and agreement) in (a) of the preamble and further to the impossibility of taking back all the strikers as stated in (b))*)?—I think so if it is in my letter I wrote it.

2452. You discussed (b) as well with General Hertzog?—Yes on more than one occasion.

2453. Look at your original letter to *Die Burger*, That portion struck out, that was struck out by you. It starts with “gelukkig”?—Yes.

2454. Who was this third person mentioned?—It was my sister.

2455. Is that in the House?—In the lobby, yes.

2456. *Mr. Beyers.*] What is her name?—Mrs. Taylor.

2457. *Mr. Jansen.*] This part is struck out that you had an interview with Mr. van Heerden?—That is so.

2458. I think you said what disgusted you about this was the reference to your having obtained an introduction to him on account of the friendship which existed between your respective fathers?—Yes, it was an untruth. I knew Nationalist members of Parliament before I ever knew there was such a star in the political firmament as Mr. van Heerden. He introduced me to nobody: I was introduced to him.

2459. Did you tackle him with this at the interview?—Certainly.

2460. Did he satisfy you in the explanation he gave?—I do not think so. He said to me he did not mean all that stuff should come into the paper; then I did not pursue the point beyond telling him what I thought of it.

2461. Did you discuss with him what had appeared in *Die Burger*? Was not your whole interview based upon what appeared in *Die Burger*?—That is why I went to see him, because of this article—whether he made all these statements. He goes on to say “van Eyssen is die gevolmagdigde.” (*Mr van Eyssen is the representative or authorized agent.*) Now

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that word was never used by me representing myself down here as the "plenipotentiary" of the Chamber.

2462. I gather from what you said that was as far as you read this article?—Yes, perhaps a line or two further. I had read quite enough when I got there.

2463. *Mr. van der Riet.*] Did Mr. van Heerden introduce you to members of the House at all?—No, not to one. I knew the members of the Nationalist Party well and have known them for many years; that is at least the four or five occasions that I have been down on somewhat similar business. I was introduced to Mr. van Heerden.

2464. *Chairman.*] Did you speak to members in regard to this matter without being introduced to them?—I do not like to say; sometimes there might have been three or four together and we spoke to them and were not always introduced. If any stranger came, whether they knew it or not, we were usually introduced.

2465. *Mr. van der Riet.*] Did you know Mr. de Waal previously?—Yes, well. I have known him for many years. We have been nodding acquaintances for a long time. We have never had a long conversation with one another. We say "good morning" to each other; that is as far as our intimacy goes.

2466. *Mr. Jansen.*] Both Mr. van Heerden and General Hertzog say on the 5th April that when you had that interview you were very angry with Mr. van Heerden for having published something?—Yes. I say that is not so.

2467. Mr. Havenga says that you saw him on the 28th or 29th February?—On Tuesday, the 28th, in the reading room.

2468. He says there you also complained about this thing that had been published?—No, I am quite definite no telegram was read, and a telegram was never discussed at any stage.

2469. You told me you had never as far as you recollect said to any member that you were either going to send a wire or had received one from the Chamber?—Yes.

2470. Can you explain how this thing about a telegram got about among the Nationalists?—I can explain it perhaps to myself, but do not want to give the explanation to the Committee.

2471. As a matter of fact you did send a wire?—I have thought of it and have got my theory, my attempt at a solution, very clearly in my mind, which, however, I do not like to state.

2472. You said that what you gave to Mr. Havenga was on two sheets according to your recollection?—I am sure it was on two sheets.

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2473. And are you sure it was on the 23rd?—Yes, I have thought of it from every side, and think everything points to me it was the 23rd, in the morning.

2474. Are you sure it was the 23rd you had the conversation with General Hertzog when you first of all came face to face with the motion and discussed it with him?—Yes.

2475. In the afternoon?—I think in the evening. I may almost be definite it was in the evening.

2476. I understood from you it was after that interview you sent away that telegram?—No, I sent away the telegram after the Thursday afternoon interview, when General Hertzog discussed the motion pointedly.

2477. That is what I am asking you?—Oh, that was Thursday afternoon.

2478. You say General Hertzog was called away?—Yes.

2479. Did he return?—He did not return for some little time, and I left then.

2480. Did he return eventually?—I do not know; I left; I did not remain.

2481. Did you not see him before the evening again?—No.

2482. You had no further discussion with him of that kind?—On that afternoon, no.

2483. That was the afternoon when you got as far as clause (a) of the resolution?—Yes.

2484. Now after that discussion with him you had an interview with Mr. Steytler?—I went to see Mr. Steytler. I had left him up in the bay when General Hertzog called me, and I again found him there.

2485. Did you discuss matters with him then?—I told him what happened.

2486. Was there any difference of opinion between yourself and Mr. Steytler with regard to General Hertzog's motion?—No, never, nor in regard to any other matter in connection with this matter.

2487. No difference of opinion at all?—No.

2488. Are you certain that the handing of this paper on note or telegram, whatever it was to Mr. Havenga, the interview with General Hertzog about the motion, the sending away of your telegram and the Louw incident all occurred on the 23rd February?—Yes on the 23rd. I am perfectly clear about that.

2489. And the first telegram that you sent to the Chamber of Mines in regard to the motion was on the 23rd?—That was the only one.

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2490. Did you in any other way communicate with the Chamber on the motion?—No.

2491. I suppose you are in daily contact with the Chamber?—Daily telegraphic contact, I did not write, always by telegram. The reason for that is that my stay here was supposed to be four, five or six days, there was no idea that I would stay on here. I left Johannesburg with one suit and one pair of boots. The idea was that this thing would be a matter of a few days and I would return so that no letters passed between us, and the position might arise that I might leave here before a letter arrived or arrived there before a letter from me arrived, so we conducted our business by telegrams, lengthy telegrams.

2492. That being the case did you not after the introduction of this motion by General Hertzog think it of sufficient importance to wire up to the Chamber?—No I never regarded that motion seriously, it did not worry me, it cut no ice with me at all. I was not sent here to discuss or see after anything in connection with that motion. I did not know there was going to be such a motion. I was here to give members information and the thing obtruded itself on one or two occasions during our discussions.

2493. If General Hertzog says on the morning of the 18th you were here and said you sent away a wire to the Chamber of Mines, is he wrong?—I am sure I did not. He is mixing it up with something else.

2494. *Mr. Beyers.*] You say you came to Capetown to make propaganda?—Yes.

2495. The Chamber also had direct propaganda in connection with the strike?—Yes.

2496. There were many advertisements in all the papers and also in *Die Burger*?—Yes.

2497. Therefore any motion introduced in the House on the matter would be directly concerned with the subject of your mission?—No, I do not think necessarily.

2498. Did you not contemplate that steps by way of motion or resolution or otherwise would be taken?—Yes my idea when I came down here was that the first thing that would happen would be that there would be a Select Committee to collect some facts upon which Parliament could deliberate because the ignorance which prevailed right through the country on the question of the strike was colossal.

2499. Thus the object of the correct information you wished to impart to members and the propaganda you were making, was to influence the conduct of members in Parliament?—

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Yes. If I understand your question correctly you want to know whether my purpose was that the propaganda which I intended making down here had to affect the members in Parliament. Well my mission was and my purpose was to give members of Parliament correct information.

2500. With a view to their action in the House?—As you will know a political question had definitely been made of the strike in Johannesburg and an entirely wrong impression had gone right through the country and my object was if possible to correct that wrong impression.

2501. Therefore your object must have been to assist members of the House to act in Parliament in accordance with the true information and to give a decision on reliable information?—Yes, I should think so. I do not know whether I went so far in thinking about the matter, but I certainly thought that a man like General Hertzog had been grossly misled, and for that reason I went to him first.

2502. Your mission would scarcely have taken place if it was not that Parliament was on the point of settling it?—That is why I came down, because Parliament was meeting.

2503. Then would it not be natural that you would take an interest in any motion brought forward in the House?—It would certainly look so.

2504. At the first interview you had on the morning of the 18th February you met General Hertzog here in Parliament and the motion was discussed?—No, I am sure it was not discussed that morning.

2505. The motion was known to you before that, you had seen it in the paper?—Yes I read it through, and read it through a second and third time and could not make head or tail out of it, excepting the points which were clear to me, clauses (a) and (b) which were practically the terms intimated by the S.A.I.F.

2506. Would it not be more likely then if you had read the motion three times and it remained obscure?—The last part is not even clear to-day.

2507. Would it not be likely then that you would discuss it with General Hertzog?—We did not discuss it.

2508. Would it not be natural to discuss it?—Presumably it would be natural, but we did not discuss it.

2509. It was discussed in the evening?—Yes. I came to introduce myself to General Hertzog and tell him why I had come down here, and our conversation drifted further and

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lasted longer than I anticipated, and I remember points definitely that we discussed that morning and some remarks I made to him.

2510. The difficulty I have is to separate the discussion on the motion from your mission. Is it not very natural, one would think you would be anxious to know what the political attitude of the House would be in regard to this important question?—So far as that goes the attitude was perfectly clear on Tuesday in regard to this motion, at any rate to my limited knowledge of Parliament.

2511. That was on the 21st?—Yes.

2512. I am speaking of the 18th when you arrived here?—Yes.

2513. You would be interested to know what the attitude of the political parties would be?—Yes, maybe. I do not want to go into that. It seems perfectly natural. I may just say again that this motion did not loom large in the work at the time, nor in what I was doing at the time.

2514. I do not for a moment impute to you a partisan attitude in approaching any party, or for all I may know any other party, but the point that worries me is this: that you say you came here in order to give information and to make propaganda for the Chamber of Mines, and to see members of Parliament—in fact you came because Parliament was on the point of assembling, otherwise you would not have come. Yet at the same time you say that the motion of one of the important political parties did not weigh with you much, did not interest you much. Do I understand that is your attitude?—Yes. I had very little time to discuss that motion with anybody.

2515. You refer in that letter to *Die Burger* to “begrypelike misverstand” (*conceivable misunderstanding*)?—The word “begrypelike” (*conceivable*) is not mine.

2516. I see it was inserted by Mr. Rompel?—Yes.

2517. Let us put it at “misverstand” (*misunderstanding*). What do you say was that “misverstand”?—I explained that this morning. I think the “misverstand” arose over the fact that I said quite openly and plainly that it was a matter of indifference to us how this Commission was appointed, whether by a Select Committee or by Government; it would be quite welcome. On the other hand you have the fact that the majority, that very many members, I will say, saw nothing else in that motion but just that. That was to them the motion, and when they heard we had no difficulty about that they concluded we had no difficulty about the other part of the motion. That is my explanation.

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2518. When you refer to the interview of the 5th April in the Whips' room, when the unpleasantness occurred, you say that if General Hertzog had not lost his temper the matter would have been cleared up. Do you identify that idea of clearing up with this same "misverstand" you have explained?—No.

2519. In what way would it have been cleared up?—At the same time that when General Hertzog made his speech in the House in the evening he was labouring under a very serious misapprehension, and at the same time when he had forgotten quite a lot of things that happened during that week in February. There was never any doubt in my mind that General Hertzog understood my attitude perfectly and clearly during that week. My idea was to show General Hertzog this letter, to clearly bring to his notice what our attitude was, and I thought that when he saw that he would probably go into the House that afternoon and say he made a mistake. Until after that interview I regarded General Hertzog as a friend; I had an admiration for many of his qualities; I had no idea that the interview might end in that way. There was nothing on my side to hide, nothing on my side to keep away from him. I naturally thought that when once this thing is brought to his notice, when he knew before they voted on the motion, he knew before he left Cape Town what our attitude was in regard to his motion, he would at once agree that he made a mistake, and he would at the first opportunity put that right. That is what I would have done under similar circumstances.

2520. That very morning, you told us, General Hertzog read your letter out aloud?—Yes.

2521. Your letter of the 25th February; there his memory was at once refreshed as to its contents?—Quite so.

2522. I ask you this question because you seem to take up the position wherever there is a direct conflict between yourself and other witnesses, a conflict of any importance, that there is no room for misunderstanding?—I do not know that that has been my attitude; I do not think so; there are some points on which there cannot be any misunderstanding.

2523. Just mention those points?—The most outstanding one is this, that I never agreed to General Hertzog's motion at any stage. To say that I accepted his motion as a whole, that is incorrect. That I exhibited a telegram or anything at all purporting to be a telegram, whether in manuscript, in type, on a pink form, on a slip of paper, in any form whatever, or a copy, there is no room for misunderstanding on that.

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2524. What are the other points?—These are the two outstanding ones.

2525. The two cardinal points of the whole enquiry?—I realise that.

2526. That is why I was anxious to know what you were referring to when you said on the 5th April but for the temper displayed by General Hertzog the whole matter might have been cleared up. Was this the same thing referred to by you in your letter handed to Mr. Rompel that there was a “mis-verstand” (*misunderstanding*) or a “begrypelike misverstand” (*conceivable misunderstanding*)?—I hope my explanation of what I thought might happen as a result of that interview will be appreciated by the Committee.

2527. We have Mr. Havenga, Mr. Fichardt, Mr. van Heerden, Mr. Pen Wessels, Mr. Steinmeyer, General Hertzog himself, Mr. Rompel, all refer to a telegram or copy of a telegram?—Yes, the only man amongst those who has given me a chance to get a grip on his statement is Mr. Steinmeyer. He made a statement here which can definitely be proved to be incorrect.

2528. That is?—That I showed him a telegram with strips of paper pasted across it. You heard the Postmaster-General say that such a thing is impossible to be reproduced. All along when this matter was first mentioned in April it was a telegram, and it always seemed a situation I could easily cope with. This thing eventually became a “vervalste” (*forged*) telegram, and it eventually degenerated into a document. By the time that Mr. Havenga addressed the House it was a document, and the thing became more intricate and more amazing to me. When I returned after Easter I learned all these things, and it was only after then anyway it actually commenced that I, for the first time, got any daylight on it when I heard it was supposed to be a little slip of paper, which had been torn up and reconstructed afterwards. Then I did not know where I was.

2529. These are all, as you will observe from the evidence, isolated instances?—Quite.

2530. It is not as if these people were all together?—Yes.

2531. And they all come with the same story; these are different persons, on different occasions, and under rather varying circumstances?—Quite so.

2532. Would it not be rather amazing if all these persons were confusing and confounding a private note by you with a telegram or copy of a telegram?—No. I have said before that I definitely cannot think they confounded my note with all these accounts of the different varieties of telegrams which these different people are supposed to have seen.

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2533. *Mr. Davis.*] Did Mr. Havenga speak on the motion?—Yes, he spoke and called it a document.

Friday, 19th May, 1922.

PRESENT:

MR. BISSET (Chairman).

Mr. van der Riet.
Mr. Beyers.

Mr. Jansen.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter, of the firm of Messrs. Coulter & Co., Parliamentary Agents) appeared on behalf of Mr. J. L. van Eyssen.

Mr. Jacobus Lodewicus van Eyssen further examined.

2534. *Mr. Beyers.*] You were naturally desirous of giving General Hertzog and the Nationalists a favourable impression so as to gain their sympathy?—I wished to lay before them the true facts, and if they had the true facts they would also be in the right frame of mind.

2535. What brought you under the impression that they were not in possession of the true facts?—Because of what was said at that time in regard to the strike. It was generally stated at that time that the Chamber of Mines were out to dispense with white labour and have it replaced by coloured and kaffir labour. That was an untruth, but it was freely made use of. Another very important point was in regard to the low grade mines; there were, and I think there are, people in the country to-day, well-meaning people, who are under the impression that the low grade mines are something that the Chamber of Mines keeps up its sleeve and it drops these things out occasionally for the purpose of lowering wages or getting some industrial advantage. That was also a point on which I thought enlightenment was necessary.

2536. It means you thought wrong impressions were prevailing, and you came to give full information to General Hertzog and other members of the Nationalist party in order to remove misapprehensions?—Yes. It amounted to more than an impression; it amounted to a conviction that that was the case. I was convinced that they were under an entirely wrong impression in regard to the state of matters on the Rand.

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2537. You see, General Hertzog tells us on the 10th May, when he gave evidence, that you told him on the 21st February (that was after his speech), if this motion had been accepted, the strike would have been at an end within two days?—I think General Hertzog has that rather mixed up in his mind; he said that in his speech; I did not say it.

2538. He says that it struck him when you made this observation, because he had used words to the same effect in his speech?—I did not say that.

2539. Did he tell you on Thursday, the 23rd February, when you spoke to him about the words “or agreement” in the motion that he himself could hardly amend his own motion and that the amendment may come from the other side in the House?—I do not think that General Hertzog said that on the Thursday.

2540. He tells us you asked him to amend his motion by erasing the words “or agreement” and that he afterwards told you that he could not amend his motion, but the other side can move an amendment, that is the Government side?—No, I think I am definite about this: I did not ask Gen. Hertzog to amend his motion. The only time that such a matter was discussed between us was on this Tuesday, just when the House adjourned. There were quite a number of people in the lobby. It was on Tuesday, the 21st, and General Hertzog looked to me to be particularly disappointed and distressed over the reception of his motion. We had a conversation then. He was disappointed, because his motion seemed so unacceptable to the Government, and I said to him, not with the view to having it amended: “Is it not possible to amend your motion in such a manner as to make it acceptable to the Government?” That occurred on that day, but not on Thursday.

2541. Do I understand, then, from you that on Tuesday General Hertzog referred to the reception of his motion in the House in rather a plaintive way to you?—Yes, he appeared to be very disappointed.

2542. And you said this, as it were, out of sympathy?—Yes, I suppose that is really what I felt. I felt it that he should be distressed about the reception of his motion in the House.

2543. Are you quite certain he was distressed?—I am quite clear on it; he seemed deeply disappointed about it.

2544. What you said to him you said out of sympathy on that day?—Yes, and I think Gen. Hertzog has these two days confused in his mind.

2545. It did not occur to you at that time it was pretty obvious that the Government could hardly adopt a motion of

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this sort?—Yes, it was obvious to me, especially after Gen. Smuts had spoken. I did not know these things, but I learned then that it was a prerogative of the Government to appoint Commissions and not the function of a Select Committee.

2546. Quite apart from that, was it not pretty obvious there was no likelihood of the Government adopting the motion on such an important question agitating the mind of the public some time before when that motion came from the leader of the Opposition?—No, that did not occur to me at all. I did not look at the thing in that light whatever, and I think to-day still if the motion had been an acceptable one to the Government and all parties concerned, the Government would no doubt have adopted it. I did not look upon the strike as a party question, and did not think it would become a party question; it seemed to me far too serious.

2547. On Thursday, the 23rd, you say there was a question about “or agreement” being erased?—Yes, it was on that occasion.

2548. It was on that occasion General Hertzog says he told you that the amendment should come from the other side?—I will just explain. I am sure it was on Tuesday. A day or two later Mr. Grobler got up in the House and said something to the effect that they were prepared to accept an amendment from the Government, and I know that that happened subsequent to General Hertzog and myself conversing about an amendment. I am sure of that. I do not know which day Mr. Grobler said it.

2549. Would not this statement of General Hertzog that any amendment should come from the other side naturally fit in more with your suggestion about the erasure of “agreement” than with the conversation on Tuesday, the 21st?—General Hertzog’s memory is at fault about Thursday. I did not ask for an amendment.

2550. Did he on Tuesday, according to you, say any amendment must come from the other side?—I do not remember him saying that; I remember after our talk I heard Mr. Grobler say that in the House. That was subsequent to our talk.

2551. There was never anything like this said by General Hertzog to you?—If you find in the papers that Mr. Grobler spoke on Friday, or Saturday, or Monday, I will not be prepared to say that that did not so happen. I am sure Mr. Grobler spoke after General Hertzog mentioned the question of an amendment, after we discussed the amendment.

2552. Is your evidence, then, that General Hertzog did not either on Tuesday or on Thursday make any statement to you to the effect that any amendment must come from the other side?—I am quite sure he did not make that statement.

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2553. Now we come to Friday, the 24th February, the Louw incident. General Hertzog's evidence is this, that he was coming along in the lobby and Mr. Petrus van Heerden took him by the arm and mentioned this matter of proclaiming something from the housetops in the presence of yourself and others. That occurred, according to General Hertzog, in the lobby, and Mr. van Heerden said to you words to the effect: "Het jy my nie gese dat ek dit van die dake kan verkondig"? (*Did you not tell me that I could publish this from the house-tops?*)—I do not think any assertion took place in the lobby.

2554. On Saturday, the 25th February, after returning from the motor drive I understand you bade General Hertzog "good-bye" in the Royal Hotel?—No, I went to see him that evening again; I had to see him.

2555. You handed him on that occasion this letter of yours of the 25th February, and I understand you exchanged a few words with one another concerning this letter?—I told him what the contents were.

2556. You say in paragraph (2) of your letter of the 25th February, "but as appeared from our conversations there are points in your motion which we certainly cannot accept"?—As appeared from our conversations.

2557. The point is that you had a telegram from the Chamber of Mines saying definitely that General Hertzog's motion was entirely unacceptable and impracticable, now why do you say in your letter: "Daar is een en ander in uw mosie wat ons seker nie kan aanneem nie" (*There are a few things in your motion which we cannot accept.*)?—In that letter I stuck to my attitude throughout. I did not alter it in any way whatever; in spite of the Chamber's telegram I was not going to alter the attitude I had up to that time taken up in my discussion with General Hertzog on his motion.

2558. May I take it, then, you consider this attitude in paragraph (2) of your letter differed from the answer of the Chamber of Mines?—No, I do not think so.

2559. I am laying stress on the words "daar is een en ander in die mosie wat ons seker nie kan aanneem nie." I am only dealing with the impression the words make upon me. I put it to you that is quite a different thing from the contents of the telegram, which are definite in describing General Hertzog's motion as entirely unacceptable and quite impracticable. You say there are certain things in your motion which we cannot accept, is that tantamount to saying that the motion is unacceptable and impracticable?—No, the Chamber's telegram is very much stronger than my letter.

2560. My point is this, why did not you simply convey to Gen. Hertzog that you had communicated with the Chamber, [S.C. 4-'22.]

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and that you were informed that the Chamber did not wish to consider his motion in any shape or form, or that they regarded it as unacceptable and impracticable?—I do not know why I did not put it in that way. I am to-day still quite satisfied with the way in which I put it, probably if I had to do it over again I would put it the same way under similar circumstances.

2561. According to your version of what had occurred would it have been reasonable for Gen. Hertzog to have got annoyed if you simply told him what the Chamber had telegraphed?—I think so.

2562. Why should he have reason to be annoyed—if what occurred occurred in the way you tell us?—It referred to the serious motion of a serious man in that brusque way, and it is not very nice. I do not think anybody would like it.

2563. I understand you did not put it that way because you were apprehensive that Gen. Hertzog would be annoyed?—I felt sure he would be annoyed.

2564. After all the motion is a public motion, and deals with matters which are inseparable from politics, and he has got to put up with this sort of criticism?—Does he?

2565. I think in politics he does?—I am not so sure about it.

2566. At any rate that was your view of the matter, that you felt that he may be annoyed if you simply told him the unvarnished truth about the contents of the Chamber's telegram?—Yes. I think I did give him sufficient in the letter to finally put a stop to the ridiculous rumours which were going round.

2567. You see the difficulty I have is this that in your zeal and anxiety as it were to propitiate the Nationalist leader and other members of the Nationalist party you may have conveyed the impression which you did not intend at the time or that you did not realise that these impressions would be created by your words and actions?—I think it is quite apparent that such impressions were erroneously conceived. It is apparent from the whole thing, and I consider that my letter put a stop to it or should put a stop to it, and I think I was subsequently justified in my construction of that. At the same time if my letter had been a complete reversal of my former attitude I would at least be called to account for it by somebody or other. I told Gen. Hertzog when I gave him the letter why I handed it to him, and I heard nothing more, in fact it was forgotten and the last reference appears in *Die Burger* of 3rd March. I have since these things read *Die Burger* for that period and found no further reference to the thing. The matter was apparently forgotten and out of the world when all of a sudden to my amazement it cropped up

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on the 3rd April in the House in an entirely different phase. It appears to me that if Gen. Hertzog was under that impression, which he alleges now, that the Chamber accepted his motion, the time for him to make a song about it was during the strike debate because our attitude affected that period. There is nothing said about our attitude during that period and on the 3rd April, with an entirely different matter before the House, our attitude is brought in in the way it was brought in.

2568. Did you know that on Saturday the 25th February General Hertzog thought about leaving?—He told me so and asked me to bring him a mineral which he gave me before he left.

2569. Were you aware that he handed that letter to Mr. Havenga?—I did not know it then, but on Tuesday the 28th February Mr. Havenga gave me to understand that he knew the contents of the letter, that he had it with him.

2570. Here is the original letter as well as your carbon copy and envelope, and I see a note on it. I do not know whether Mr. Havenga was asked about this. The note says, “aan mij oorhandig deur Generaal op 25/2/22. Terug gegee op 13 April, 22”?—The whole thing if I may just explain was very peculiar, and I have after listening to the evidence still great difficulty to explain it. If my letter to General Hertzog was in harmony with my conversation and attitude throughout, I can well understand him entirely forgetting that letter, it would be nothing and make no impression on his mind. On the other hand if my letter is as now alleged a complete reversal of my attitude it was bound to make an impression which could not be effaced in a few weeks.

2571. I understood General Hertzog to say this relationship between you and him had been an affair more than casual, that he had known you for years, and that he had entire confidence in you, and that he was on the point of leaving that night, and that he did not see the letter again until some considerable time afterwards—if the note of Mr. Havenga is correct—about the 13th April—that it never struck him for a moment that you would go back upon what you had definitely given him to understand formerly?—I did not go back upon anything.

2572. Mr. Webber's speech had been delivered before you wrote this letter?—He spoke on Thursday the 23rd February.

2573. You see Gen. Hertzog tells us that he saw that a conflict may arise between you and the Chamber of Mines if you were to continue saying that you approved of his motion, and that he said to himself at the time that there was a possi-
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bility of your being repudiated ultimately by the Chamber if you went on the lines on which you had proceeded?—I heard him give that evidence.

2574. If your letter of the 25th February had just stated what the Chamber of Mines telegram stated then I can follow your argument, but it must have struck General Hertzog particularly?—I do not know that we would have been in any different situation in regard to this question if I stated that telegram; if you bear in mind the conversation I think my letter was a perfectly true statement of the case.

2575. And bearing in mind as you say that no such telegram was ever shown by you?—Quite. In any case it was a matter of a motion before the House, and it was then being discussed by Parliament, and it is a matter with which we had very little concern I take it.

2576. *Mr. van der Riet.*] The letter specifically refers to your attitude in a previous conversation?—Yes, that is so. That would be a point if I had a conversation with Gen. Hertzog of an entirely opposite character and I give an untrue account of such conversation afterwards, I think I am almost bound to be pulled up about it.

2577. *Mr. Beyers.*] General Hertzog says this “Never for a moment did Mr. van Eysen indicate to me that my motion was unacceptable.” You say that is not so?—I say it is definitely not so. I do not know how he came under that impression.

2578. He did discuss with you or you with him, on the 18th February, the question of sinecures, of “arbeids veld” (*sphere of employment*), “naturellen” (*natives*), and “kleurlingen” (*coloured people*), and I think he gave you to understand that he did not want any sinecures on the mines. Is that correct?—He said so. More than that, if you listened to General Hertzog’s speech that day, and if you read his speech to-day you can only come to one conclusion—that General Hertzog’s motion and his speeches and words were two entirely different things. Whereas his motion might in part or the greater part be acceptable to the strikers at that time his speech definitely was not acceptable to them. That you read in the *Cape Times* or *Die Burger* on the 22nd February.

2579. I think it is in evidence that General Hertzog was in possession of a telegram or information definitely saying that the strikers were satisfied with his motion?—Well, I think I heard during the following week that such a telegram had been received, but I cannot understand how such a telegram could have been sent by a responsible party if you knew the feeling on the Rand amongst the miners. These were the

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people concerned at the time, and you will realise that General Hertzog's motion was more unacceptable to them than to the Chamber of Mines. With them the colour bar definitely excludes coloured men, and if you suggest to them that you want to pass legislation in Parliament to remove the colour bar in respect of the coloured man you would get these fellows madder than they were during the strike.

2580. Coloured men up there are comparatively few compared with the native?—Yes, but I feel this, if you remove the colour bar the coloured man might conceivably get into work done by the white man and the feeling is as strong against the coloured man as against the native, if not stronger. The white man rather fears the coloured man more than the native on account of the superior intelligence of the coloured man and he sees an encroachment by the coloured man on his sphere of labour.

2581. We come to the conversation on the 5th April in the Whips' room. Here Gen. Hertzog tells us that he referred you to the telegram in the *Cape Times*, and you admitted you had withheld the information contained in the telegram from the Chamber of Mines, and that you had shown them another telegram instead; and then he said, "dit is genoeg" (*that is enough*). The point I am emphasising is that Gen. Hertzog here definitely states that you admitted that you had shown him another telegram instead of this telegram from the Chamber of Mines?—No, I told Gen. Hertzog I had given him the purport of the Chamber of Mines' telegram in my letter to him of the 25th February. He states in his evidence that he walked out of the room, and then returned, and I showed him the letter. That is not correct.

2582. Do you contend that your letter of the 25th February conveyed the purport of the telegram of the 25th February from the Chamber of Mines to you?—Yes. Up to that point I took it our discussion was friendly, and I had no other thoughts in regard to Gen. Hertzog than I had for many years, and I was very much surprised, I was amazed at the sudden change in him. What may have been a possible solution of Gen. Hertzog's difficulty, of his misunderstanding, now became an impossibility immediately.

2583. So that you were amazed on the 5th April by his sudden change?—During our conversation, yes. When I met him in the lobby he was his own friendly self.

2584. But why change so suddenly from calm to indignation?—That is very difficult of explanation, there was no circumstance to justify it, I think.

2585. He says that after he had showed you the *Cape Times* and asked whether you had withheld information contained in [S.C. 4—'22.]

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the telegram from the Chamber, and asked you whether you had shown them another telegram instead, he said: "Dit is genoeg" (*that is enough*), and he went out and returned and then you showed him an English translation of this letter of the 25th February?—That is not correct. That letter was shown to him before he went out the first time. When he came back I had not a hope of getting a word at all; he just came up to me and in a very passionate way, saying: "I am not going to give you a chance of saying that I ran away from you," and he turned on his heel and walked out again. I do not understand how General Hertzog can have any idea of what happened at that interview. If a man is in that state of anger or fear or emotion I do not know how he can possibly remember what happened. It is impossible; it is not human.

2586. Did he tell you on his return: "Ek wil nie hê jy moet se ek het weg geloop nie, het jìj nog iets verder te se" (*I don't wish you to say that I ran away; have you anything else to say.*)?—Not a word; he just turned on his heel and walked out and said nothing further.

2587. Would it not be entirely aimless for him to turn back into the room and tell you that he did not want to give you the chance of saying that he was running away from you and then immediately run away?—It was most extraordinary, a man in his normal state will not do it.

2588. What was discussed in the conversation of the 5th April?—Very little. First there was the handing over of the letter, then Gen. Hertzog asked me whether I had seen this thing in the *Times* and I said I had. He asked me whether I received a telegram, and I said I had.

2589. Did he read out what was in the *Times*?—No, he just pointed it out to me, I had read it before. He asked whether I received such a telegram as there mentioned, and I said "yes"; he asked whether I had received other telegrams, and I said "No." He asked whether I had at any time shown any of his party such a telegram, and I said "No." I said to him I gave him the purport of the Chamber's telegram in this letter, and then I handed him the letter. He took the letter from me and read it out aloud, quite impressively and slowly. When he came to the end he said that to his mind the important fact is that I got this telegram and did not show it to him; and that was the end of it.

2590. On two occasions you told us, on two different days, that the whole interview did not last long?—No, very short.

2591. You said yesterday, I think, at the outside two minutes?—Yes.

2592. Is it not rather inconceivable that all this talk, that deliberate reading out of your letter, should have lasted

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only two minutes at the outside?—I think that everything happened in a very short space of time. I do not want to say 120 seconds but I mean definitely less than five minutes.

2593. *Chairman.*] At that discussion of the 5th April was Mr. Havenga cool?—Perfectly cool. I think Mr. Havenga and Mr. van Heerden were as much amazed and surprised at Gen. Hertzog's attitude as I was. There was a dead silence in the room when Gen. Hertzog left.

2594. *Mr. Beyers.*] You knew Gen. Hertzog for years and have never seen him in an excessive state of mind?—No.

2595. Towards you?—Nor towards anyone else. I have seen him pretty angry in the House, but never seen him like that.

2596. Why did you say he got so annoyed?—I did not say why, I say he got indignant. He said I did not show him that telegram. I do not suggest why he got indignant, but that is what he said and that is when he got angry.

2597. I think you told us yesterday that the reason why he was annoyed was because you had not shown him the telegram of the Chamber of Mines of the 23rd February?—Yes, I say at that moment when he said that he got angry. He said after he read the letter "my point is this", and then he got angry.

2598. His version is entirely different why he became angry?—I think my version is the correct one. I say I was in a more fit state of mind to remember what took place there than Gen. Hertzog was.

2599. You consider that Gen. Hertzog was not entitled to be acquainted by you with the contents of the Chamber's telegram of the 23rd February?—I thought that I had done my duty to Gen. Hertzog.

2600. Was there any other reason for his indignation and temper?—No, I do not think there was any other reason, there might have been, he might have had something else in his mind that he did not express, and I certainly think that the letter brought Gen. Hertzog up against it.

2601. The fact that you did not disclose the telegram of the Chamber?—I can conceive that and also the fact that there was that letter which Gen. Hertzog had probably forgotten—I do not know whether he had forgotten it, but he says so—I think it was the combination of circumstances that made him angry. He said that the main thing for him was this telegram.

2602. What other factors are there in that combination of circumstances that ruffled his temper?—Gen. Hertzog said the telegram, and I think that possibly the production of the letter might also have something to do with it.

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2603. He had read the letter that morning and his memory was refreshed?—He had just finished reading it.

2604. Did he not tell you that he remembered the letter?—Yes, after some little hesitation it was said.

2605. I put you this question because in your letter of the 5th April to Mr. Havenga you say this “ongelukkig het Generaal Hertzog van more met eens kwaad geword en weggegaan dus was dit nie moontlik die sake te bespreek nie. Hy was o.a. kwaad omdat ek hom nie die Mynkamer se telegram getoon het nie. Mag ek net sê dat dit nie my plig was nie maar ek het hom tog met hulle sienswyse bekend gemaak in my brief aan hom van 25 Februarie.” (*Unfortunately General Hertzog became suddenly angry this morning and went away, and it was consequently impossible for me to discuss the matter with him. He was, among other reasons, angry because I did not show him the telegram of the Chamber of Mines. Let me say that this was not my duty, but that in my letter of the 25th February I acquainted him with the views of the Chamber.*) (Appendix E.) What was “o.a.”?—I think that the production of this letter also made Gen. Hertzog angry. He said that it was only withholding of the telegram from him, but personally I could not see that that was the cause for such violent anger.

2606. It is rather difficult to see that it was the cause for any anger at all?—Yes, I do not know. I do not want to go into that thing, it is a matter of surmise and opinion. I have told what took place, and I am afraid I cannot throw any more light on it.

2607. Now on the 2nd March in your interview with Mr. Rompel, he says definitely that you conveyed to him the gist of this telegram—of a telegram from the “Kamer van Mynwese” of the 23rd February about “discretionary powers”?—I heard that evidence, that is entirely untrue.

2608. You suggest that Rompel and all these other witnesses are mistaken?—I am afraid they are not mistaken. Some of the witnesses who gave evidence about telegrams may be mistaken, I do not want now to go into an analysis of everyone and the different species of telegrams mentioned here. In regard to Mr. Rompel there is no room for mistake, it is not true what he said.

2609. Have you any objection to saying what other witnesses cannot be mistaken, that there is no room for mistake with them?—I do not want to refer to members of Parliament in the same terms I would refer to a man in the street. I think you appreciate that difficulty. There is only one other man who spoke about a telegram and that is Mr. Steinmeyer,

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still I do not think I need say anything about that; the Committee knows that was untrue. I need not even tell you why it was untrue.

2610. You see Mr. Rompel further says "die dokument het naar 'n telegram gelyk" (*the document resembled a telegram*). That is untrue?—It is a fabrication.

2611. Mr. Fourie in referring to the 23rd February, I think, says that Mr. van Heerden showed him what purported to be a copy of a telegram in pencil and then he gives the gist of the telegram. Now you say that you wrote a note to Mr. van Heerden which you handed to Mr. Havenga?—Yes.

2612. Was that on Thursday, the 23rd?—Yes.

2613. Why did you mark that note "private"?—I do not know that there was very strong reason except it was not enclosed in an envelope and Mr. van Heerden was not there and it referred to a matter with which he was only concerned. I thought that Mr. van Heerden had run amok on that question.

2614. The note was to protest against interjections dragging in the name of the Chamber of Mines during the debate?—Yes, or mine, and rumours also.

2615. Was it not in the interest of yourself and the Chamber of Mines to have that made known to any Nationalist who might by chance read that note that you protested against the Chamber's name being used in that way?—No, I do not know, I was not trying to advertise the thing. I was simply just writing a note to Mr. van Heerden because I connected him with it.

2616. Did you convey to Mr. Havenga in handing him the note what the contents of the note were?—I do not think so. In fact, I am sure I did not do it. Mr. Havenga was then practically an unknown man to me. You will find he is a reserved man and I am perhaps more so, and it is quite inconceivable that I would have done so.

2617. *Mr. Jansen.*] Did you ever afterwards try and ascertain whether the note had reached Mr. van Heerden?—No, I ascertained it definitely on the afternoon of the 2nd March. that it was by referring to papers afterwards I was able to. When I give these dates I hope the Committee understands refresh my memory. If it had not been for that I would never have remembered.

2618. *Mr. Beyers.*] We appreciate that all the witnesses are pretty groggy about dates?—You see here was a week which for them and for me was a very crowded week. Hundreds of things happened during that week. Nobody foresaw there would be a Select Committee on this matter and it is humanly impossible to remember all these things three months afterwards. When I give a date like this I can only connect
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it with another event that happened the same day, and on the 2nd March Mr. van Heerden definitely mentioned the receipt of this note.

2619. *Mr. Jansen.*] That same afternoon Mr. van Heerden took you to the telegraph office?—Quite so.

2620. Did you not ask him then whether he had not received your note?—I do not remember that I asked him, I might have.

2621. *Mr. Beyers.*] The difficulty I have is this that if Mr. van Heerden did not show a genuine note to Mr. Fourie it must have been a fabrication he showed?—Well, I just feel this that all our difficulty would be solved if Mr. van Heerden had not destroyed that document, I feel that it would have cleared the matter entirely and there would never have been any Select Committee. That is where our whole difficulty centres round. I have tried to come to grips with and explain the matter. I feel it is not satisfactory to come to the Committee and deny it, I would like to be able to put before you an explanation of it but I cannot. I have got my theory of it and would rather not mention it. It is a most difficult matter.

2622. Now I come to the Louw incident for a moment. In the writing room Mr. Fourie's evidence is to this effect, that Mr. van Heerden said to Mr. van Eyssen that he (Mr. van Eyssen) told him he could preach it from the housetops and "*nou maak jy my tot leuenaar*" (*now you make me a liar*); that was said by Mr. van Heerden to you in the presence of Mr. Fourie?—Mr. van Heerden said "*Louw het my 'n leuenaar uitgemaak en nou hardloop hy weg*" (*Louw has made me a liar and now he runs away*). He was angry with Mr. Louw.

2623. Mr. Fourie tells Mr. van Heerden said to Mr. van Eyssen he told him he could preach it from the housetops, "*en nou maak jy my tot lenenaar*" (*and now you make me a liar*)?—No, I think Mr. Fourie has got it mixed up.

2624. Now we come to the incident with Mr. de Waal. First of all I understand that Mr. de Waal brought you to Mr. Steinmeyer?—That was on Monday the 22nd.

2625. Did you have a second conversation or a few words with Mr. de Waal?—I do not remember a single conversation with him, he is a man I never spoke to.

2626. He has told us that he had a few words with you and that you said the motion could be accepted or was acceptable "*met kleine wysiginge*" (*with minor amendments*)?—I do not remember such a conversation at all, I cannot place it or recall it to my mind.

2627. You say Mr. de Waal is mistaken?—I do not want to

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say that such a thing did not occur at all, I do not remember such a conversation.

2628. With regard to Mr. Fichardt, you say you never had any conversation with him about a telegram or copy of a telegram?—No, Mr. Fichardt's whole statement about what happened in the Royal Hotel, and the incident of the Waldorf is a most daring statement.

2629. No room for misunderstanding there?—I am afraid none whatever. Such an incident never took place. I am afraid on the face of it such an incident was impossible.

2630. How long have you known Senator de Villiers?—I do not know him at all, I do not know him yet.

2631. You know him by sight?—Yes.

2632. How long have you known him by sight?—I have seen his face in the lobby and I heard the morning here that he was Senator de Villiers. He has got a type of face that I never forget. If I once met him I would never forget his face again.

2633. Did you ever meet him at the station or in the train?—No, not that I remember. I never met and could not have spoken to him if I had met him.

2634. He says a person came up to him in the lobby, according to his draft letter of the 2nd March to *Die Burger*, and that the person represented himself as being "van Eyssen, vertegenwoordiger van die Kamer van Mynwese" (*the representative of the Chamber of Mines*). Then he says this in questions 195 and 196 (*Reads Qns.*) You say this was not you?—I do not think so. I am afraid the whole story is so vague and unsatisfactory I do not want to say anything about it. I cannot make it out at all. It is a matter of mistake, the Senator has mixed it up and does not know himself what happened.

2635. Mr. Havenga says the following in questions 2, 4, 31 and 36. (*Reads Qns.*) You say all you handed him was a note?—Yes.

2636. And that was a note about interjections in the House?—Yes.

2637. Dragging in the name of the Chamber?—And what follows, yes.

2638. "What he read out purported to be a reply to that telegram which he had sent." Was the note all in your own handwriting?—Yes.

2639. Then he proceeds to say "it was in his own handwriting and purported to be the reply he received"?—That is incorrect.

2640. He says "Mr. van Eyssen read it out to me, and I showed it to Gen. Hertzog and in the afternoon I handed it to Mr. van Heerden as requested". Then he says in Question [S.C. 4—'22.]

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31. (*Reads Qn. 31*)?—I did not hand him a telegram, I did not tell him anything of the sort.

2641. So I understand you never told Mr. Havenga that you had sent a telegram to the Chamber or that you had received an answer?—That is so.

2642. And you abide by your statement, never did you intimate to any member of the House or to any Nationalist member that you had sent such a telegram or received an answer?—That is so.

2643. You did as a matter of fact send a telegram on the 23rd?—I sent that in the afternoon of the 23rd, yes.

2644. Are you certain that you did not communicate to Mr. Havenga the contents of that note to Mr. van Heerden?—I am certain of it.

2645. You did not tell him what the note was about?—I do not think so, I am sure I did not exchange anything else with him than ask him whether he would hand this to Mr. van Heerden. I previously ascertained from the messenger that Mr. van Heerden was in the House. Had I seen Mr. van Heerden, I would not have written to him.

2646. You told us on the 23rd February Gen. Hertzog met you, he was in the dining room at 3 p.m.?—No, he sent for me and met me in the lobby and walked with me to the dining room.

2647. Who came and called you?—I could not tell you at all.

2648. You have no idea?—I think it was probably one of the two attendants that bring in tea; they were in attendance on that side of the House.

2649. Have you never communicated to anybody the fact that you had sent a telegram on the 23rd February and received a reply how does this thing come to be bruited about the House, especially among the Nationalist members?—I would not like to say. I think it is quite possible that when Mr. van Heerden went with me that afternoon that he knew what I was sending.

2650. At the telegraph office?—Yes. I have not given you to understand I am positive that Mr. van Heerden knew nothing about it at all. It is quite possible he knew about it, and I think it came from there.

2651. How could he know about it?—There were probably many ways. I do not want to say, but one way was if he went with me to the telegraph office; I do not want to say that I told him or did not tell him.

2652. *Mr. Jansen.*] Did you write out the telegram in the office in Mr. van Heerden's presence?—Yes.

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2653. *Mr. Beyers.*] He would not be reading what you were writing?—I do not suggest that.

2654. Was he in such a position that he could have read it if he had wanted to?—I do not want to say that, I do not remember where he stood.

2655. Did you tell him that you were sending a telegram to the Chamber?—I do not remember that I did or did not.

2656. You told Mr. Davis in answer to your examination by him that you certainly did not discuss the telegram with Mr. van Heerden?—Yes, I am sure I did not discuss the telegram.

2657. You do not mean you may not have mentioned you were sending a telegram to the Chamber?—By discussion I certainly would mean discussing the terms of the telegram or the reason of it.

2658. *Mr. Jansen.*] Did you leave the office together?—I could not tell you, I expect we did. It is merely guess work having to tell things like that.

2659. *Mr. Beyers.*] To come to the Louw incident again. At the interview in the writing room you told us Mr. van Heerden pointed out that you made no reservation in stating that the Chamber accepted the motion?—I told you that my memory about that particular interview was not at all clear. I know very little about what took place there. When Mr. Fourie gave evidence he mentioned other points, and I recalled at some interview that was stated, and I think it was at that interview.

2660. You have some recollection that Mr. van Heerden mentioned at some interview that you had not made reservations?—Yes.

2661. Does not that rather point to an impression formed by Mr. van Heerden at the time previous to that?—I think Mr. van Heerden got that impression, and think he got it erroneously. I think he got it because he did not understand the motion of Gen. Hertzog, and did not know what it meant to the Chamber and to anybody else concerned. All that he was concerned with was the one fact whether the Commission had to be by a Select Committee from his party point of view or from the Government point of view.

2662. You afterwards mentioned it in the letter to *Die Burger* that the whole misunderstanding arose from the fact that you had said that it could be proclaimed from the house-tops it was immaterial to the Chamber whether the investigating body was one appointed by the Government or indicated by a Select Committee of the House?—I still think that is the way the misunderstanding arose, and it can only be in the mind of a person who is not *au fait* with all the circumstances.

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2663. That seems to me to be a perfectly simple point for anybody to pursue?—Yes.

2664. Is it not rather difficult to suppose there should have been much misunderstanding about it?—I think there was misunderstanding about it.

2665. Tell me why, because it seems to me pretty self-evident that it matters preciously little from your point of view whether the investigating body was appointed by the Government or the House?—Yes.

2666. There seems to me to be no difficulty about grasping a statement like that. You still think that the misunderstanding arises in that way?—I think so entirely.

2667. You also tell us there was no necessity for discussing the telegram with Gen. Hertzog—the answer of the Chamber of the 23rd February. Did you not consider it desirable in view of the rumours floating about at the time to nip the whole thing in the bud?—For that reason I wrote Gen. Hertzog that letter. I still think I did quite correctly and acted quite in accordance with what I think is right.

2668. *Mr. Jansen.*] In making the statement that it was indifferent to the Chamber whether the Committee was appointed by a Select Committee or the Government did you act on your own responsibility?—Yes.

2669. *Mr. Beyers.*] I cannot quite appreciate why on the 2nd March, after having an interview with Mr. van Heerden at which, as you state, he agreed that the whole thing had been a misunderstanding you went back to Mr. Rompel and deleted these portions of your letter to *Die Burger* of that date, indicated by the original before the Committee—I can explain that. I particularly dislike personalities in newspapers and after we had had this discussion, it was a perfectly amicable one, I thought Mr. van Heerden was genuinely sorry that all that muck had got into the paper and there was no object in pursuing it any further. My object was reached there by a simple denial.

2670. You consider what is being deleted here was of an offensive nature?—No, I do not say that for a moment.

2671. Or of a very personal nature?—No, except I mentioned him. I also mentioned another person, however, whose name I did not give, I thought it as well to leave that out, there was no necessity for it. Mr. van Heerden did not persist in his attitude and there was no need to call in any third party to solve that difficulty. It was finished, the thing was definitely agreed it was a misunderstanding, and that was all.

2672. You have heard about this letter of Gen. Hertzog enclosing a document which so far as we know at present is in

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the handwriting of Mr. Havenga which according to Gen. Hertzog's letter and also according to his evidence was a note which he made a few minutes after the interview of the 5th April and which was transcribed by Mr. Havenga for him. Now this note which Gen. Hertzog made, written by Mr. Havenga—I say it subject to what Mr. Havenga may say—reads as follows (*Reads document forwarded in Gen. Hertzog's letter to Chairman, of 13th May, 1922*)?—I think we have dealt with all that already. I think there are a few points which I agree with and others I do not agree with. I think my evidence generally will cover these points. I may just say that a few minutes after that interview I think it would have been difficult for Gen. Hertzog to have given a true account of the interview. I would definitely come to the conclusion that it was impossible for him to have sat down a few minutes after the interview and write a correct account of what took place there.

2673. Also Mr. Havenga?—He was quite calm and could have written a truthful account if he wanted to.

2674. Gen. Hertzog says he went to his room and wrote this note immediately after the interview and asked Mr. Havenga whether it was correct?—I can say nothing about that, I can just tell you that Mr. Havenga was not by any means in the state of mind that Gen. Hertzog was.

2675. Assuming Mr. Havenga were to say he wrote this same writing then within a few minutes of the conversation of the 5th April in the Whips' room, on Gen. Hertzog's request, and he confirms that this is correct and is what he recalls of the interview—how would you account for that?—It will leave me entirely unmoved. It will make no difference to what I have stated to you this morning.

2676. You say you never read *Die Burger* until a certain day, I think the 27th February?—The 28th, I think; Tuesday at any rate. I am definite it was the 28th.

2677. In view of your mission here and your avowed object of giving information and getting into touch with the Nationalist leader and with members of the party would it not be natural to expect that you would have made a point of acquainting yourself with the comments on this question by the chief organ of the Nationalist Party?—In the first place you cannot get information from *Die Burger*, that is obviously impossible, and I could not have a hope of strengthening my opinion by reading *Die Burger*. *Die Burger* is a paper unknown to me, I do not get it, I do not read it, and I cannot see any reason why I should come to Cape Town and start reading *Die Burger*.

2678. You might get gleanings of the Nationalist attitude from *Die Burger*?—No, I had all the reading material I
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required, and the material I required for my purposes down here cut and dry I had to go through.

2679. Did you read the *Times* and *Argus* as regards their notes on this question?—Yes, I am not a great newspaper reader. I read both papers; I read the *Times* at breakfast, and what I do not read at breakfast I do not read at all; and the *Argus* I read on the way home.

2680. You told us that Mr. Havenga's letter of the 6th April—which was really a mistake for the 5th—was amazing to you. Why should that letter have been so amazing in view of the fact that Gen. Hertzog had referred to this telegram question on the 3rd April already in his speech in Parliament?—There is clearly a mistake somewhere, I do not know if I said the letter was amazing, I said Gen. Hertzog's speech was amazing to me.

2681. You did not mean to convey that Mr. Havenga's letter was amazing?—The whole question of this telegram was amazing.

2682. You did not mean to convey that Mr. Havenga's letter was amazing?—No, I do not think I intended that. My impression is that his letter was not an amazing document, but the amazing thing was what happened the evening before in the House.

2683. You told the Chairman that you mean by “so ver ek weet” in that letter to Mr. Havenga of the 5th April, you positively say that you had never shown them any such telegram or copy?—Yes.

2684. If the thing is an amazing thing would you say “so ver ek weet ontken ek dit” (*as far as I know I deny this*). If the thing struck you as amazing would you not definitely say it is absolutely not the case?—I think I said all I meant to say there. I gave sufficient indication that so far as I was concerned or knew there was no such telegram. That is all I wanted to convey, and I hope that my telegram conveys that.

2685. You made some comment on the word “gevolmagtigde” (*authorised agent*), and that you never held yourself out as a plenipotentiary?—I never used the word nor the idea.

2686. You know the word “gevolmagtigde” is very often used as conveying the idea that somebody holds a power of attorney or is an authorized agent?—Accredited agent, yes. I think “gevolmagtigde” is a strong word and means plenipotentiary as distinct from representative.

2687. You mean in that sense you never held yourself out if “gevolmagtigde” is taken to be plenipotentiary?—Never.

2688. *Mr. van der Riet.*] It is quite clear according to you

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that you had no interview at the hotel on Thursday and Friday?—Quite positive of it. It was impossible for me to have it.

2689. It may have been Tuesday or Wednesday?—I am inclined to think so. I do not think that copies of the correspondence were read on Tuesday evening, otherwise I think it was Tuesday, but I am inclined to think it was Wednesday, they would have been ready by Wednesday.

2690. Are you quite clear it was on Thursday morning that you handed the note to Mr. Havenga?—Yes, I am quite clear about that.

2691. You are quite clear on Thursday afternoon you had the interview with Gen. Hertzog?—Yes, I fix that definitely by the telegram which I sent as a result of that interview.

2692. It is clear that the telegram was sent to the Chamber of Mines on Thursday afternoon?—Yes.

2693. You are quite clear that Mr. van Heerden accompanied you to the telegraph office?—Quite certain of that.

2694. At no time that Thursday did Mr. van Heerden speak to you about a telegram or a note?—No.

2695. Any telegram or any note?—No.

2696. Although you had met that afternoon?—I am quite sure he said nothing about it. I am sure he never spoke about a telegram. I do not think he spoke about a note.

2697. You are absolutely certain you sent no telegram prior to that Thursday afternoon to the Chamber of Mines asking for their authority or their views on the motion?—I am quite certain it was the only telegram sent.

2698. If Gen. Hertzog says such a telegram was shown at 1 o'clock on Thursday, you had at that time sent no telegram?—That is so.

2699. When did you have the interview with Mr. Louw?—I think Thursday evening.

2700. Can you fix that time?—I fix it this way. I am sure it was in the evening when the House sat, and it could not have been Friday evening. I was in the bay on Friday evening listening to Mr. Malan's speech and after that was asked to come down and have tea with him and Mrs. Malan and Mr. Sephton. When we got downstairs Mr. Sephton's daughters and myself decided we would go and have tea out and we left the House and came back and picked them up again.

2701. Are you sure it was in the evening?—I am sure it was in the evening on Thursday.

2702. At that time you had not received a reply from the Chamber of Mines?—No, I got a telegram from the Chamber on Friday.

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2703. Did you have a conversation with Mr. Havenga in which you told him that you were upset because the matter had got in the press?—No. I had a conversation with him on Tuesday, the 28th February.

2704. In that was any reference made to the document handed to Mr. van Heerden?—No.

2705. I ask that because it is remarkable he says in his evidence "what he seemed to object to was the fact that Mr. van Heerden had published it, and made use of the thing." You say nothing of such a nature occurred there?—No, we did not speak about that there.

2706. Are you perfectly clear that when Mr. Boydell spoke you remained in the bay the whole day?—Yes, I am quite sure I heard every word of those three speeches; I did not go down for tea or anything like that. It was one thing I was particularly interested in to hear these three speeches of Gen. Hertzog on his motion, Mr. Boydell on his amendment and Gen. Smuts' reply.

2707. *Mr. Beyers.*] Did not Mr. Stewart intervene?—Very shortly, and I think somebody very shortly in the Nationalist party seconding Gen. Hertzog's motion.

2708. *Mr. van der Riet.*] Gen. Hertzog's speech was first, and when he finished Mr. Boydell got up?—Yes.

2709. Did you leave at any time during Gen. Hertzog's speech?—No.

2710. At any time during Mr. Boydell's speech?—No, I listened to those two speeches from the side opposite to them, and walked over to "D" bay to hear Gen. Smuts speak.

2711. *Mr. Jansen.*] Gen. Hertzog said you wrote him a note saying that you wanted to see him. Did you write that?—I do not think so; I think that is a mistake and he has got a bit confused since that day.

2712. *Chairman.*] If Dr. Malan gives evidence to the effect that one day during the debate on Gen. Hertzog's motion as he was crossing the lobby in the direction of the Senate he saw you standing close to one of the pillars at the public entrance, and you called him back and told him that you were anxious to show him an important telegram; that you then showed him a telegram written on an ordinary telegram form to the effect that you as "gevolmagtigde" may use your own discretion without unnecessary interference by the Chamber of Mines; and they do not wish the matter to be approached from a party point of view, and that they will be prepared to submit to the decision of Parliament on the motion. Did he have a discussion with you as he says in that entrance hall?—I remember only one discussion with Dr.

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Malan during all the time I was here, when the actual revolt was on. I knew Dr. Malan well for many years, we had adjoining rooms as students.

2713. Is it correct on any occasion that you met him in the entrance hall and showed him what purported to be a telegram?—No, I am quite sure that that is not correct. I am quite sure that he has got it mixed up with something else.

2714. Do you remember having any discussion with Dr. Malan at any time in the House with regard to the subject-matter of this telegram?—No. I remember very well when we discussed these things and sat round the table Dr. Malan always walked past us and said: "good morning," but never joined us.

2715. You never voluntarily exhibited anything to him in the nature of a telegram?—I am quite sure of that. He has got something mixed up in his mind about that.

2716. *Mr. Davis.*] You told us that when you wrote your letter to Mr. Havenga you wanted to get the date of this alleged telegram definitely fixed?—Yes.

2717. Will you tell me for what purpose?—I wanted to get to the basis of this telegram. I thought that some time or other I would have to deny this probably, and when I go to Johannesburg would have to discuss it and explain it and I wanted to get some grip on the thing. It was a vague thing and an amazing thing to me.

2718. You said in answer to the Chairman that when you wrote Mr. Havenga that letter you had no idea what telegram he referred to. What did you mean?—There was no such telegram in my possession, I had never seen a thing like that.

2719. You were asked about this article in *Die Burger* of the 2nd March, and you told us you only read the first portion?—Yes.

2720. In the very first paragraph it says that as representative of the Chamber you told Mr. van Heerden that he could proclaim from the housetops that you accept the motion. Might you have read that portion?—Yes, I think so, it is quite likely; the portion I remember quite well is the reference to my family.

2721. *Chairman.*] I was asking you just now about the evidence of Dr. Malan, and you started to tell us that you had one conversation with him during the actual revolution?—Yes.

2722. I am afraid I stopped you. You were going on to explain what that was about. Did you want to explain it?—No.

2723. Had it any reference whatever to the subject-matter of this Committee?—No. The conversation was at the end of [S.C. 4—'22.]

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the library used by the members. I was there talking to friends and Dr. Malan came in and we stopped and spoke for about ten minutes or quarter of an hour about the position which had arisen in Johannesburg.

2724. Had you any discussion at that time with regard to the attitude of the Chamber of Mines on Gen. Hertzog's motion?—No, the motion did not affect the point.

2725. That is the only discussion you had with Dr. Malan?—Yes.

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PRESENT:

Mr. BISSET (Chairman).

Mr. van der Riet.
Mr. Beyers.

| Mr. Jansen.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter, of the firm of Messrs. Coulter & Co., Parliamentary Agents) appeared for Mr. J. L. van Eyssen.

Mr. Nicolaas Christiaan Havenga, M.L.A., further examined.

2726. *Chairman.*] You remember the interview of the 5th April, when General Hertzog, Mr. van Eyssen, you and Mr. van Heerden met together in the Whip's room?—Yes.

2727. After that interview do you remember either General Hertzog or yourself writing down anything that had occurred at it?—Yes, General Hertzog jotted down admissions that Mr. van Eyssen had made at that interview. I think it was for the purpose of his speech he was to make that afternoon or subsequently when he was going to raise the question again. He asked whether it fairly represented the position, and I agreed it did, as far as I recalled it.

2728. Had you written anything in his room?—Yes, I think I did; I jotted down the points.

2729. Did you go carefully through the points jotted down?—Yes.

2730. *Mr. van der Riet.*] Who wrote the first?—He may have drafted it and then I subsequently also wrote down.

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2731. *Chairman.*] What did you write down: your own recollections or what he had written down?—It was immediately after the interview; I wrote down what both of us recollected.

2732. What you agreed was what transpired?—Yes, just of the admissions.

2733. General Hertzog was asked if he had that paper on which he jotted down his recollection of what took place at that interview, all the admissions, and when he gave evidence here he thought he had mislaid it, and subsequently sent us the document. I want you to look at that, please?—This is my handwriting. General Hertzog had jotted down the points, and then he asked me to write them over, so that when he was speaking he would have these notes before him.

2734. Is that what you wrote in his room on that occasion?—Yes.

2735. Look at these two marginal notes; whose writing is that?—General Hertzog's.

2736. You say that is General Hertzog's writing?—Yes.

2737. You know when they were written?—No. General Hertzog first wrote it down, and, as his note was not so clear, he asked me to write it again, because he was speaking in the afternoon and he wanted to refer to these notes.

2738. Were you satisfied that that correctly represented what passed?—Yes, that was immediately after the interview.

2739. You remember there was a letter dated the 25th February which was handed to General Hertzog before he went up-country, which he handed over to you to keep, and subsequently you handed it back to him?—Yes.

2740. Can you remember when you handed it back to him?—Yes, after the 5th April, after that interview. The letter was handed to me and I casually read it, and when the matter was being discussed I said to General Hertzog: "Is not that the letter you gave me?" I turned up the papers and found it and handed it back to him with the envelope. The letter was handed to me on the 25th February, when General Hertzog left that night; I remained behind some time and went up-country and took the letter with me. The discussion took place on the 5th April, and subsequently it dawned upon me that General Hertzog gave me some papers which he got from Mr. van Eysen, then I looked it up and made that endorsement on the envelope when I handed it back to General Hertzog. The letter was in my possession from the 25th February to the 13th April, as stated on the envelope.

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2741. *Mr. Beyers.*] Why did you wait until the 13th April to return the letter to General Hertzog?—We received such a volume of correspondence and papers from Mr. van Eyssen I did not take much notice what they were about, and when we had this discussion it occurred to me that the letter that was handed to me and the letter then being discussed were identical.

2742. On the 5th April, in the Whip's room, there was some unpleasantness between General Hertzog and Mr. van Eyssen?—Yes.

2743. I understand that on the occasion he handed General Hertzog an English translation of this letter?—Yes.

2744. And naturally you then called this letter to mind?—Very little notice was taken of this letter. General Hertzog at once acknowledged that he had received such a letter. We took very little notice of this letter; it was of no importance; it was no secret that the Chamber does not accept the motion. I did not know then that it was the letter I had in my possession.

2745. With reference to the memoranda here forwarded by Gen. Hertzog, you say they were made shortly after the conversation of that date?—Immediately after.

2746. General Hertzog tells us that this thing was a shock to him, and he was indignant?—Yes, visibly.

2747. Then he asked you whether this represented the position correctly and asked you to re-write it for him?—Yes, so that he could better read it in the afternoon when he spoke.

2748. *Mr. van der Riet.*] General Hertzog gave me the impression that he read that letter to you when he received it (*Appendix D*) from Mr. van Eyssen on Saturday?—No, I do not think so.

2749. And discussed it, I think, he said?—No.

2750. In answer to Mr. Mackeurtan you said that the document given you by Mr. van Eyssen to be handed over to Mr. van Heerden was in his own handwriting. You said you knew that was his own handwriting, because you have had letters that passed between you and Mr. van Eyssen. Did you have any letters written by him prior to the 23rd February, when that document was handed to you?—No.

2751. You could not then have known it was his handwriting on that date?—I knew it when I was giving evidence.

2752. It is rather a strong thing to say?—I am rather good at making out handwriting; if I see handwriting once I will recognize the same writing again.

2753. This document seen by you and handed over to Mr. van Heerden and destroyed, the question would not have been

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raised as to the authenticity of that?—I am very certain that the handwriting is the same as in the letters I handed in from Mr. van Eyssen (*Appendix E*).

2754. It is months afterwards?—Of course, it was handed to me by Mr. van Eyssen and purported to be a copy.

2755. I do not think much of the point, but I understand you said you had letters from him previously?—I am certain I did not say that; I was referring to the letters which I then handed in. I was not referring to letters prior to that; I did not know Mr. van Eyssen.

2756. This was put to you in Question 31. (*Reads Question No. 31.*)?—Yes.

2757. I asked him about it and he said he is certain that he gave you a note for Mr. van Heerden, and he did not say anything to you about the contents?—It was open and we read it together he read it out to me; I am absolutely certain about that. He did not use me as a messenger; I am a member and he told me what it was, otherwise he could have given it to one of the messengers. He wanted to make the contents known to me as well

2758. It was not marked “private” and addressed to Mr. van Heerden protesting against the use of the name of the Chamber of Mines in the House as accepting the motion?—Absolutely not. There was not a word of protest in it. It was not in the form of a note; it purported to be the copy of a telegram and nothing else.

2759. Is it the same paper you had with you at the Royal Hotel at lunch?—Yes.

2760. You only handed it over to Mr. van Heerden in the afternoon?—Yes, when Parliament was sitting.

2761. When did Mr. van Eyssen give you the document?—I think after I came from Select Committee, it may have been 12 o'clock or just before I went to lunch.

2762. *Mr. Beyers.*] I see in the beginning of your evidence you refer to the conversation that took place on the 18th February in the bedroom of General Hertzog?—Yes.

2763. You say that the discussion was more or less of a general nature?—Yes.

2764. Was the motion of General Hertzog discussed at that meeting?—Certainly it covered the motion also; it went over all the troubles and continued for a long time. The contents of the motion were also mentioned as far as I remember; points in the motion were brought up and discussed.

2765. General Hertzog said he subsequently asked Mr. van Eyssen: “What difficulty have you against the motion?” and he said: “Nothing”?—I did not take very much interest; it is quite possible it happened.

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[Mr. N. C. Havenga, M.L.A.]

2766. Did you hear the words "naturellen" (*natives*) and "kleurlingen" (*coloured people*) and "arbeidsveld" (*sphere of employment*)?—Yes, those were discussed.

2767. Was anything said about sinecures?—Yes, that is right, that was the difficulty upon the *status quo* that was in dispute, but my impression was that General Hertzog satisfied Mr. van Eyssen by making it clear about the "arbeidsveld" that he does not want to shield the sinecures.

2768. If you remember these things about "naturellen," "kleurlingen," "arbeidsveld" and redundant workers, sinecures, did not you then notice when Mr. van Eyssen said to General Hertzog that he accepts the motion?—Whether he was specifically put that question and gave that answer I cannot remember. It may have happened without my noticing it. There were important things discussed which I cannot now remember, and I cannot remember that that question was specifically put and that there was a specific answer to it.

2769. Was that only a conversation between General Hertzog and Mr. van Eyssen?—No, Mr. Steytler also spoke now and again and Mr. Fichardt and myself.

2770. Mr. van Eyssen tells us that he was not, as it were, interested in the motion: he said "the motion cut no ice with me, I was not concerned with it." What is your answer as regards that and your later discussions with him?—I had no discussion with him about the motion. I was brought into the thing by accident—as a messenger to give a note to Mr. van Heerden. Later on Mr. van Eyssen saw me in connection with *Die Burger*.

2771. On the 18th February, as regards the motion itself, that he was not interested in it, he says it cut no ice with him, he was not concerned with it?—That I cannot say. I do not know if there were Nationalists whom Mr. van Eyssen specially sought out; as far as I know he looked up members to give information; I did not ask for information, nor did General Hertzog. I know on the 18th the question was put about the kaffir labourers, and that it was impossible for the mines to take back all the strikers at once.

2772. *Mr. van der Riet.*] He said he explained to members the misconception about the low grade mines and the mines working under existing conditions, and then he said that a campaign of misrepresentation had been made with regard to there being an attempt to oust the white men?—In regard to the question about Mr. van Eyssen saying that he was not concerned about the motion, it may or may not be so.

2773. It seems to me a very extraordinary use you made in Question No. 5, speaking of what occurred at the meeting of

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[Mr. N. C. Havenga, M.L.A.]

the 28th—you say: “What he seemed to object against was the fact that Mr. van Heerden had published it and made use of the note; he said it was marked “private” or “confidential.” Did you use the word “note”?—Did I use it? I certainly did not intend to attach that meaning to it; I meant something written on a slip.

2774. It is long before Mr. van Eyssen raised the position that it was a note, and you tell us he was protesting against Mr. van Heerden's publication of the note?—I certainly do not recollect having used the word note. I am very positive about that question of a note.

2775. Was he protesting on that occasion that it was a note?—No, he was not. I never had any inkling that he would take up the position that it was a note and not a telegram.

2776. *Mr. Beyers.*] We understand your evidence is that what Mr. van Eyssen handed to you was not a note?—Absolutely.

2777. The question is, whether at the interview of the 28th February in your presence he remonstrated and protested against Mr. van Heerden making use of a note marked “confidential”?—Mr. van Heerden was not there; we were there alone.

2778. When he said what he did about Mr. van Heerden?—He never spoke about a note. The first time I heard about a note was out of the cross-examination of Counsel on this Committee.

2779. *Mr. van der Riet.*] The first instance you heard about a note was here?—Yes.

2780. It is wonderful that you should have made use of the word note?—If it is in there I want to correct it, that if I used that term “note” it was not used in the sense of a letter.

2781. We have the most extraordinary difficulty in the whole matter of dates; the dates are in such a way they are absolutely inconsistent; cannot you give us definitely on what day you received that document?—The nearest I can get to it must be Thursday noon.

2782. Did you go to the Waldorf with General Hertzog and others and Mr. van Eyssen?—Yes.

2783. What time was that?—I cannot fix that day definitely.

2784. It was in the evening?—Yes.

2785. It could not be Thursday or Friday?—I cannot fix that date.

2786. Was it before or after you got this document to be handed to Mr. van Heerden?—I cannot fix it. If Wednesday, Thursday or Friday I cannot say.

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2787. *Mr. Jansen.*] Was it on a night that the House sat?—It was certainly not on a night that the House sat; how could we be there then?

2788. Some say it was on a night that the House sat, and others say that they were there the whole night at the hotel?—I cannot explain that.

2789. *Mr. Beyers.*] Was it at night after the adjournment at 11 o'clock?—No.

2790. *Mr. van der Riet.*] Mr. Fichardt says it was not on Wednesday, because he was out for dinner and was not there?—Yes. I think he was there, too.

2791. *Mr. Davis.*] Do I understand this quite clearly; you say you were not present at the Louw incident?—Yes.

2792. Were you there?—Not in the room, but I know that Mr. Louw and Mr. van Eyssen came along the passage to these people. I was there and did not go to the room. As they came along in the lobby I heard Mr. Louw say that Mr. van Eyssen was denying the thing. Then they went further and I did not accompany them to the Whip's Room. I was never there.

2793. General Hertzog says you were there when Mr. van Heerden and Mr. Fourie were there?—No, I was not in the Whip's Room.

2794. Or the Writing Room?—I do not think General Hertzog can say that. I was there when Mr. van Eyssen came along in the passage, but then they went along.

2795. When I cross-examined you on the first day I put to you all through, that this meeting with Mr. van Eyssen was on the 2nd March, I thought I understood from you it may have been on the 28th February?—Yes, I am certainly not going to fix that day.

2796. I asked you this—Mr. van Eyssen says it was on the 28th February and it was before the actual words of the telegram were published in *Die Burger*?—No, we were certainly alluding to what Mr. van Heerden had given *Die Burger* people. I am certain that that is what was in my mind when Mr. van Eyssen came to see me.

2797. He says it was the 28th February, and that it was before this was published?—Why would he then come and see me?

2798. The reason why he says he came to you was because of the leading article in *Die Burger* of the 27th and 28th February, saying that the Chamber were accepting the motion?—Why would he draw Mr. van Heerden's name into the discussion?

2799. Why he says he brought it in was because he had all along associated this rumour or statement that the Chamber

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agreed to the motion with Mr. van Heerden, because it was Mr. van Heerden who had sent this in, and it was to him he said he could preach it from the housetops?—That is not consistent with my recollection about it. I am certain the telegram was discussed; there would be no reason why he should come and see me if there is a leading article in *Die Burger*.

2800. Is there any more reason why he should come and see you because there was a telegram in *Die Burger*?—Yes, because he handed it to me. I do not know whether any other people knew about it—he knew the people who knew about it. He handed it to me to hand to Mr. van Heerden, and either I or Mr. van Heerden would have published it.

2801. When he handed you this note or copy of a telegram you kept it until the afternoon?—Yes, and handed it to Mr. van Heerden in the House. I did not see him before.

2802. In the meanwhile you discussed it with General Hertzog?—Yes.

2803. And you say you read it several times?—I certainly read it out and we discussed it.

2804. Fully? Its possible meanings and that sort of thing?—Yes.

2805. I asked you the following questions Nos. 31 and 35. (*Reads questions and replies*)?—Yes.

2806. The only time you heard it was when Mr. van Eyssen told you on the 23rd?—That was the first time.

2807. The only time you heard it from Mr. van Eyssen?—Yes.

2808. In that memorandum you drew up you say specifically, the very first thing, that Mr. van Eyssen admitted he had sent a telegram at the request of Mr. van Heerden on the 5th April?—Yes, well, he admitted it there. He did not deny it had been sent at the request of Mr. van Heerden. That was the telegram we were referring to. I do not make a specific point there that he admitted he had sent it at the instance of Mr. van Heerden, that is merely indicating the telegram. The note there does not say he admitted he sent it at the instance of Mr. van Heerden specifically.

2809. When you say “hij erken” (*he admits*) you mean he admitted, specifically admitted?—The question was asked him; he did not deny it, he certainly admitted, that was the impression I got.

2810. I think I am right in saying in examination in chief you said he did not make any answer at all?—Yes. When General Hertzog left, I wanted to get from Mr. van Eyssen whether the telegram handed to me had actually been sent or not, and to that he did not want to give a specific answer.

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I. P. van Heerden, M.L.A.]

(At this stage the Chairman left the room, and Mr. van der Riet took the Chair.)

2811. When General Hertzog asked him, did he reply to these questions all specifically "yes" or did he not reply?—Yes, he replied to some of them.

2812. There are five questions in the Memorandum. He did not always make an admission by saying "yes" when you discussed the question?—I cannot say exactly whether he said specifically "yes." We wrote this down just immediately after the interview. I gave you my evidence already, and it was fresh then, and I do not see why I should be cross-examined again on these points. What Mr. van Eyssen did not want to admit what we wanted to know, was whether the telegram had actually been sent. The question might have been asked before, but I repeated it after General Hertzog left; I was very anxious to get that.

2813. *Acting Chairman.*] I see in your evidence you state that Mr. van Heerden might have mislaid or lost the note. Did you not know at the time you gave your evidence that it had been torn up?—No, I do not know whether Mr. van Heerden had specifically told me he had torn it up. I knew it was available; he did not have it in his possession. When I speak about the note I mean this slip did not exist.

2814. *Mr. Beyers.*] The slip that was the copy of the telegram?—Yes.

2815. *Mr. Jansen.*] Are you sure that the slip that was handed to you was in one sheet or two sheets?—It was on one sheet.

2816. Mr. van Eyssen is under the impression that it was in two sheets?—No, it was on one sheet.

Mr. Izak Petrus van Heerden, M.L.A., further examined.

2817. *Acting Chairman.*] The Chairman wanted to ask you a question about the evidence given by Mr. van Eyssen. Mr. van Eyssen spoke of an interview he had with you after the articles had appeared in *Die Burger* of the 27th and 28th February. Do you know what date he met you?—No. I know of no interview.

2818. You have no recollection of meeting Mr. van Eyssen about the 2nd March and having a conversation with him about the telegram?—I do not remember; if you say what the conversation was about I will tell you.

2819. He said he had a conversation with you in the reading-room?—That was on the 24th February. That is the

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only conversation I had with Mr. van Eyssen in the writing-room.

2820. This is in the reading-room where the newspapers are?—I do not know about that.

2821. He came across from *Die Burger* to you. He says you agreed with him that there must have been a misunderstanding?—I know nothing about that.

2822. Did Mr. van Eyssen at any time come to have a conversation with you with regard to the statement in *Die Burger* to the effect that he made use of the fact that you had known his father well to use you to introduce him to members of Parliament?—No.

2823. There was that statement in *Die Burger*?—Yes.

2824. He never came to see you about it?—Not that I know of.

2825. You had no conversation on that date at all?—No. On the 5th April.

2826. After the Louw incident had you no conversation with him personally?—No, except on the 5th April.

2827. I understood you to say that some day prior to the 23rd February Mr. van Eyssen, at your request, went off to write a telegram?—No.

2828. You told us that he went away to write a telegram, that is so?—Yes.

2829. Did you go with him to the telegraph office to send off a telegram at any time?—No.

2830. Never been inside the telegraph office with him?—No.

2831. *Mr. Jansen.*] This telegraph office downstairs?—No.

2832. *Acting Chairman.*] A private individual cannot send a telegram without being accompanied by a member?—That I did not know.

2833. Now did you take him in there to enable him to send a telegram from there?—No.

2834. He said on the 23rd February he despatched a telegram from the telegraph office downstairs in your presence; you had not taken him there to send it off?—I do not know about that. I was not with him in the telegraph office.

2835. *Mr. Beyers.*] I refer you to Question 2117 and following. (*Reads question.*) He says he went to see you about this article in *Die Burger*?—I did not have such an interview with Mr. van Eyssen that I can think of. It did not take place. The copy of the telegram was handed to me after I asked him whether he got anything. I was anxious to know what was the answer to the telegram he was sending. He told me he handed it to Mr. Havenga and explained everything to him. I do not dispute there might have been "private" written on the outside, but that I did not see.

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2836. And you then agreed it was a misunderstanding?—Not in the slightest.

2837. When did you receive that piece of paper from Mr. Havenga?—I think in the afternoon of the 23rd.

2838. Mr. Fourie says you showed this paper to him and tore it up?—Yes, in his presence.

2839. What was that piece of paper you destroyed?—It was written on a piece of scribbling pad.

2840. What you tore up, was it a copy of what you had received from Mr. Havenga or was it the same document?—It was a document signed by Mr. J. L. van Eyssen.

2841. Was it the identical document you received from Mr. Havenga?—Yes.

2842. You did not first make copies to show round?—No.

2843. Was it the same document?—Yes.

2844. You have no doubt about it?—No.

2845. Have you a clear recollection of what took place in the Whip's room when the unpleasantness took place there?—More or less, yes. General Hertzog called him to ask him to hand over the original telegram, because there was this denial that there was such a telegram. The telegram from the Chamber of Mines also denied that there was any telegram of this kind, and General Hertzog wanted to know whether he would hand over the original telegram. I cannot say what Mr. van Eyssen said, but it was to the effect that he did not have the telegram to hand over.

2846. Was it the original that General Hertzog asked for or a copy?—No, he asked for the original; we had a copy, which he saw. He asked: "Will you hand over to me the original telegram?" General Hertzog said: "Why did you not tell us about that telegram from the Chamber of Mines that the motion was unacceptable?" and he answered he only received that later. Then the whole thing was further an attack on me for having made public the copy of the telegram that Mr. Havenga gave me. He did not deny that he received that telegram, but he attacked me for making it public.

2847. Is that the paper that Mr. Havenga handed over to you?—Yes.

2848. Are you certain he did not deny it?—Yes.

2849. Was that the first time he became indignant about it?—Yes.

2850. He remonstrated with you?—Yes, he said it was marked "private," and I should not have made it public. I said "It was not marked private and you never told me to keep it private; you told me I could declare it from the housetops."

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2851. Did General Hertzog make any remarks about it?—I do not remember. General Hertzog was very indignant and wanted the original telegram. General Hertzog said: “I do not want any further explanation; I do not want anything further to do with you,” and General Hertzog and Mr. Havenga walked out, and I and Mr. van Eyssen were left alone and had some words. I do not know what became of General Hertzog after he went out.

2852. How many times was he in the room?—Only with the interview we had there.

2853. *Acting Chairman.*] Did he go out and come in again?—Yes, and came in immediately again. He was very indignant and pressed Mr. van Eyssen to give the original telegram. After General Hertzog was out, the conversation continued between Mr. van Eyssen and myself.

2854. What was Mr. van Eyssen’s answer when requested by General Hertzog to show the original telegram?—I cannot say. He said he could not show it or did not have it, or something of that kind.

2855. Did he not take up the position that there was no such telegram?—No, because he attacked me for having made it public, in the presence of General Hertzog and Mr. Havenga.

2856. Mr. Fourie says this in Question No. 1666. (*Reads question.*)—“We do not mind if it is a Committee appointed by Parliament or a Select Committee; our objection is to the word “overeenkomst” (*agreement*)?—He said that to General Hertzog, not to me. When he went into the writing-room Mr. van Eyssen said he wants to discuss the word “overeenkomst” with General Hertzog. I said: “No, before you talk about that I want to know whether you did not definitely tell me that I could preach from the housetops that you accept the motion,” and he said “Yes.”

2857. Did he not say that he had any reservation?—Not the least.

2858. In Question No. 1695 Mr. Fourie says this. (*Reads question*)?—He made no reservation of any kind at any time during my conversation with him.

2859. *Mr. Beyers.*] What Mr. Davis wants to know is not whether he originally made a reservation, but whether in the writing-room it is not a fact that he then said to you: “What I said about the proclamation from the housetops was this, that it is immaterial to the Chamber if the investigating body be appointed by the Government or by a Select Committee,” then you answered to that “Yes, but you made no reserva-

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tion to me"?—I interrupted when he wanted to discuss the matter with General Hertzog, in order first to discuss my view with him, and he said: "No, I made no reservation with you."

2860. He never said it was the question of the appointment of the Commission that was his objection?—No.

2861. You say this in Question 410. (*Reads question*)?—That is correct.

2862. *Mr. Jansen.*] Were any other papers shown to General Hertzog on that day of the Louw incident?—Yes, Mr. van Eyssen had a lot of papers; they were at the small table together talking alone, and Mr. Fourie and I were together.

2863. *Mr. Davis.*] No telegram was referred to you or any reference to the telegram made to you then?—No.

2864. *Mr. Beyers.*] Mr. van Eyssen told us several times definitely he said to you, you can preach it from the house-tops, that it is immaterial to the Chamber of Mines whether the investigating body is a Government Commission or a Commission appointed by a Committee of the House?—That is not so. Mr. van Eyssen told me definitely: "I accept General Hertzog's motion." I said to him I thought it was a solution and would he mind if I told it to the House, and he said: "You can preach it from the housetops." There was no word about the Commission. He added: "If the motion is accepted, the strike will be over in two days."

2865. We come back to the interview in the writing-room; he had papers there?—Yes.

2866. Did he have a portfolio or despatch bag?—That I cannot say.

2867. At the same interview, according to the evidence of General Hertzog, Mr. van Eyssen discussed the telegram; you do not seem to know about that?—No.

2868. General Hertzog says this in Question 932. (*Reads question*)?—Yes, that was the 24th.

2869. You do not seem to remember anything about a discussion over a telegram in the writing room?—No.

2870. Except you said he said you can make the fact known from the house-tops that the motion was accepted?—Yes.

2871. General Hertzog says he took the telegram and read it?—I did not see the telegram.

2872. At this interview in the writing-room, so far as you remember, was there no discussion about a telegram and was a telegram shown in the manner indicated by General Hertzog?—I cannot recollect that. The whole discussion was about two words Mr. Van Eyssen wanted to have erased from the motion, the words "of overeenkomst" (*or agreement*).

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2873. General Hertzog says: "The import of the telegram was that the Mines did not want to interfere with his discretionary powers. I remember that particularly," then he says: "I read it and he put it into my hand." It is strange that you cannot remember anything about it?—No, I have no recollection about that.

2874. In Question 937 General Hertzog says the following. (*Reads question.*) "This telegram does not put it that way—that they accept it." Did you say that?—No.

2875. General Hertzog says: "And then Mr. van Heerden said: 'Well, you told me the Chamber of Mines accepted the motion and I could declare it from the housetops. This telegram does not put it that way that they accept it.'" That was your remark according to General Hertzog on the telegram shown in the writing-room?—No, that is not so. When the discussion on the telegram happened, Mr. Fourie and I were sitting on one side and General Hertzog and Mr. van Eyssen were discussing the matter at the table. I did not see a telegram.

2876. Then he said: "I did not like to have any dispute between Mr. van Eyssen and Mr. van Heerden, so I said—I had the paper in my hand—'Well, I think that the position taken up by the Chamber of Mines is fair.'" Do you remember that?—It may have been so, but I do not remember it.

2877. Is it likely that would have been said without your remembering it?—No, I do not think so. The conversation was more between Mr. van Eyssen and General Hertzog. I was satisfied after I got Mr. van Eyssen's admission in the presence of Mr. Fourie and General Hertzog that he had told me, and then the conversation was between Mr. van Eyssen and General Hertzog.

2878. Did you not hear everything they spoke about?—Yes, we did hear, but I cannot remember that.

2879. *Acting Chairman.*] This was according to General Hertzog the original of the telegram you had received a copy of, and in the petition it actually states that this original telegram was on that occasion shown to you and Mr. Fourie. Could you have forgotten if the original was shown to you and Mr. Fourie. Could you have forgotten if the original was shown to you?—No.

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[Dr. D. F. Malan, M.L.A.]

Monday, 19th June, 1922.

PRESENT :

MR. BISSET (Chairman).

Mr. Beyers.

|

Mr. Jansen.

Advocates Davis and Steyn (instructed by Mr. C. W. A. Coulter of the firm of Messrs. Coulter & Co., Parliamentary Agents), appeared on behalf of Mr. J. L. van Eyssen.

Dr. Daniel Francois Malan, M.L.A., examined on oath.

2880. *Chairman.*] You are member of the House of Assembly for the electoral division of Calvinia?—I am.

2881. I believe you wish to give evidence on the subject-matter of this Committee's enquiry?—Yes. During the discussion on the motion of General Hertzog, I was walking along the lobby one afternoon on my way to the library and saw Mr. van Eyssen standing directly opposite the public entrance close to one of the columns on the side of the Assembly hall. When I was a little distance past him he called me back and said to me: "I wish to show you an important telegram that I received." I turned back and stood at the same spot where he had been standing, and there he showed me what appeared to me to be a *bona fide* telegram received from the telegraph office. I did not pay particular attention to it, but I had no reason to believe that it was not a telegram on the ordinary telegraph form sent out by the telegraph office. As far as the contents of the telegram are concerned, I am able to recall that, because it was fixed in my mind by the fact that shortly after the telegram had been shown to me I communicated the contents to General Hertzog when we were in our places in the House of Assembly. The telegram was from "Bullion" to "Van Eyssen", and the contents were to the effect that the Chamber of Mines (Bullion) did not desire unnecessarily to interfere with his discretion as their representative here at the House of Assembly, but seeing that he had put them a question they wanted him to understand as far as they were concerned they did not wish to see the matter dealt with from a party political point of view, but they wished to give the assurance that if the motion was accepted by the House they would submit to it. A short time after that I had a letter from a strange gentleman in Johannesburg, whose name and address have escaped me for the moment, and in reply sent him the wording of the telegram.

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If the Committee could get this letter it might be of assistance to it. This was some time before there was any question of this matter being brought up in Parliament.

2882. *Mr. Davis.*] This thing that appeared to be a *bona fide* telegram from the telegraph office, was it on the usual sort of pink form?—Yes, that is my impression.

2883. Was it written or were there pasted strips of typed paper on it?—No, it was written.

2884. When did you tell General Hertzog about the contents of that telegram?—I cannot give you the exact date. It was before General Hertzog left for up-country.

2885. General Hertzog left on Saturday the 25th February?—The discussion was brought to a close on Tuesday and on Saturday he left. It must have been during the course of the week that I communicated the contents of the telegram to him. I cannot give the exact date nor can I say how many days it was before he left.

2886. Did you tell him about it at once, the same afternoon?—I told him as soon as I saw him. That was in the House.

2887. Was that the first time that General Hertzog knew of such a telegram as far as you know?—When I communicated the contents of this telegram to him he did not inform me whether he had seen such a telegram or not. I went on the assumption that he had not seen it.

2888. What impression did you get, that he had seen it?—He did not tell me. He merely expressed the opinion that he thought it was the best thing for the Chamber of Mines to do, to send such a telegram.

2889. If you show a man a thing as a rule you get an idea whether he has seen it before or whether it is something new to him. What impression did you get? Did you think he had seen it before?—You must bear in mind that the telegram had been under discussion by members in the lobby for a number of days, at any rate the attitude of Mr. van Eysen. It was a known thing because Mr. Petrus van Heerden had said that Mr. van Eysen had told him that the Chamber of Mines was prepared to accept the motion and he could preach it from the housetops. When I therefore spoke to General Hertzog he was naturally acquainted with what happened in regard to the attitude of the Chamber of Mines, but he did not tell me whether or not he had seen a telegram, and I communicated the contents of the telegram shown to me on the assumption that he had not seen it.

2890. When you told General Hertzog about the telegram, this telegram had already been the subject of discussion?—Not the telegram, but the attitude of the Chamber of Mines.
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2891. Was there reference in the body of the telegram to a question which Mr. van Eyssen had put to the Chamber of Mines in regard to the Hertzog motion?—No, that was not in the telegram so far as I can remember.

2892. I thought you told us just now that that was part of the telegram?—No, I merely mentioned that as explaining the telegram. The telegram led one to the assumption that it was sent in reply to another telegram.

2893. At this time you were editor in chief of *Die Burger*?—Yes.

2894. Did you communicate the contents of this telegram to any of your editors or staff at any time?—No.

2895. Why not?—The reason is because the staff had already been in communication with Mr. van Eyssen. They had already sent a reporter to interview him in regard to the attitude of the Chamber of Mines. The matter started when Mr. Petrus van Heerden said he had had an interview with Mr. van Eyssen, and Mr. van Eyssen told him, and Mr. Fourie, I believe, that the Chamber of Mines had no objection to General Hertzog's motion and they could preach it from the housetops. This came to the ears of the editorial staff, and they sent a reporter and the interview was published in *Die Burger*. As they had already taken up the matter and interviewed Mr. van Eyssen, I did not think it necessary for me to give any instructions. They did not ask me about the telegram. I had no communication with the editorial staff at all about this matter.

2896. Did you tell anybody else that you had seen this telegram, Mr. Fourie, Mr. van Heerden or Mr. Havenga?—It is quite possible. We discussed the matter as members. I probably spoke to members about it, but cannot recall any occasion.

2897. It was pretty well known generally that you had seen a telegram. Other members would have known?—I told other members that I had seen it, but whether immediately afterwards or only some time after I cannot say.

2898. Did you have discussions with Mr. van Eyssen before this about the attitude of the Chamber?—Very casually. I think only on one occasion. A group of Nationalist members were sitting round one of the tables in the lobby. I was in the library and Mr. Petrus van Heerden came and called me and said Mr. van Eyssen was anxious to see me. I came and joined the group at the table, but nothing special took place. Mr. van Eyssen was answering questions put by members. That was the only occasion I can remember having had a discussion with him. I know him well, we were students together and lived at the same boarding house, and I can

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understand that for that reason he called me when I was passing and showed me the telegram.

2899. *Chairman.*] Where did you discuss the matter with him?—It was in the lobby just after the opening of Parliament. They called me from the library.

2900. *Mr. Davis.*] Do you not remember having a discussion somewhat later with Mr. van Eyssen when the revolution up there was in progress?—Yes, that was in the library. A friend of mine from Calvinia had come down, and I was showing him the library. Mr. van Eyssen was there, and I introduced him to my friend and we exchanged a few words. We may have spoken about the situation, but that was only by the way.

2901. He says you are mistaken when you say that he showed you a telegram. He says the only conversation he had with you was in the library?—That is another discussion, and only very casual. As far as I remember it was much later.

2902. *Mr. Beyers.*] The discussion in the library was much later?—Yes.

2903. The discussion on the motion was finished already?—Yes.

2904. *Mr. Davis.*] You have not got any way of fixing the date at all of the time when he showed you this telegram?—No. It was one afternoon the same week that General Hertzog left. I cannot say how many days before he left.

2905. When you give us the contents of the telegram you are not giving it *ipsissima verba*, you are giving the impression the contents made on your mind at the time?—Yes.

2906. Did you follow as Editor-in-chief the contents of *Die Burger* very carefully from day to day; the leading articles and so on?—It may happen, and it often did, that I do not have the opportunity to do so on account of having too much other work in Parliament, or with people who come to interview me, and with correspondence and so on. As a rule I read through it, but will not say that I did so absolutely without fail.

2907. On the 24th, 25th and 27th February there appeared articles in *Die Burger*, and Mr. van Eyssen published a denial in the *Argus* of the 28th. He made it clear that there were parts of the motion that they could not accept. Was not that brought to your notice? *Die Burger* specifically stated on these three occasions prior to the 28th that the Chamber was prepared to accept the motion, and was it not brought to your notice that Mr. van Eyssen was saying that that was incorrect?—I saw it myself in the paper.

2908. When you saw it why did not you at once either to him or to your paper say "How can this be, I have myself

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seen the telegram"?—As I have said, I regarded this as a matter between Mr. van Eyssen and the editorial staff and I did not think it necessary to bring myself into the matter.

2909. It was an important thing from the point of view of *Die Burger*. The *Argus* had come out with flaring head lines "Nationalist Canard", and it was a very important thing for *Die Burger* to show that it was not a canard; it was something actually shown to their editor-in-chief?—It is quite possible. The position is this. The person who is in charge at *Die Burger* office during the sitting comes to consult me from time to time on questions in connection with the work, and I have from time to time discussed all sorts of matters with him. I cannot say that I did not give him this information or that I did do so. It may be that that point was never brought up.

2910. *Mr. Beyers.*] Are you able during the sitting of Parliament to devote your time to the editorial work?—Not entirely. From time to time I write articles. I have practically written regularly this session because we are short of hands. Naturally, I cannot pay the same attention to that work as I can during the recess.

2911. *Mr. Davis.*] Did you see the "Nationalist Canard" in the *Argus*?—I might have heard of it, but I did not read the article.

2912. During the session you keep general control of the paper?—Yes, the editorial staff consult me on matters of importance, and if I think there is any matter of importance to be brought to their notice I do so.

2913. This attitude of the Chamber of Mines was a matter of great importance?—The whole question was one between the editorial staff and Mr. van Eyssen. I think they had two interviews. I might have told the responsible person at *Die Burger* office, but as I say I do not remember having done so.

2914. *Chairman.*] Did you actually handle this telegram?—Yes, I had it in my hands.

2915. Your impression at the time was that it was a genuine telegram?—Yes.

2916. Did you pay any special regard to its form?—I did not examine it. I just read the contents.

2917. Did it have the contents typed on strips of paper?—No.

2918. You think it was a pink form that you saw?—Yes, just the ordinary form.

2919. From "Bullion" to "van Eyssen"?—Yes.

2920. Mr. van Eyssen was asked about the evidence that you were going to give, and he says the following in questions 2713-4-5. (*Reads questions*). Those are his answers to the

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questions. Is there any possibility that you have got in your mind some confusion between a telegram that you saw on perhaps some other occasion relating in any way to this trouble in Johannesburg?—No, that is impossible. I communicated the contents to General Hertzog immediately afterwards and I know what he replied to that.

2921. *Mr. Beyers.*] Is there no room for misunderstanding?—No. There were three occasions on which I spoke to Mr. van Eyssen. One occasion was at the table with a circle of members when he had specially sent for me; another occasion was in the library where we had merely a casual conversation; and the other occasion was when he showed me the telegram.

2922. What was the conversation at the table?—He wanted to give members detailed information in regard to the mining industry, the colour bar, the *status quo*, the dividends paid by the mines. It was more or less all statistics.

2923. It is not possible that you could have got mixed up?—No, it is quite clear to me.

2924. That incident of the telegram. When he met you there did he approach you?—I walked past him on my way to the library, he followed me for a short distance and then called me and said: "I want to show you an important telegram." He did not give me an idea of the contents of the telegram before I read it. He showed it to me and I read it and thanked him and made no comment on it. I did not go out of my way, and did not want to go out of my way, to discuss matters with Mr. van Eyssen. I regarded it in this light, he is the representative of the Chamber of Mines and any statement by him would be clearly *ex parte*. All the data he gave I could find in blue books, and I did so also in the last report of the Mining Industry. I did not think that Mr. van Eyssen, who could only make an *ex parte* statement could give me much information, and that is why I did not go out of my way to speak to him.

2925. Did you make any comment on the telegram?—No. I gave it back to him and went on. We did not discuss the matter.

2926. Did he say that he had sent a telegram to which this was the answer?—That I do not remember. I knew at that time that it was an answer to a telegram from him because other members had told me that he had sent such a telegram to get information from the Chamber of Mines or to confirm his attitude.

2927. *Chairman.*] You told me the telegram you saw was written on pink paper?—Yes.

2928. And not on these typed strips. It was not typed at all?—No.

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2929. Are you clear it was on a pink form?—Yes.

2930. It could not have been written on the ordinary white telegram form?—No, it was pinkish.

2931. Did it purport to be an original, not a copy?—As I say I did not examine it, but that was my definite impression.

2932. Witnesses have given us several different descriptions of the paper on which it is supposed to have been written. That is your recollection it was on a pink form and in the form of an ordinary original telegram?—Yes.

2933. *Mr. Beyers.*] One witness stated that the telegram shown to him was apparently an original with strips of typed paper?—The name “Bullion” was not very clearly written, and I paid some attention to it, and that is why I know that the telegram was written.

2934. You cannot remember whether it bore the usual date stamp?—I did not pay attention to that.

2935. When he showed it to you did he say it was a telegram which he had received?—Yes.

2936. Did he not say it was a copy of a telegram?—When he called me he said: “I want to show you an important telegram which I have received”.

2937. *Chairman.*] You said in answer to a communication you received from someone in Johannesburg you sent a reply with reference to this telegram?—Yes.

2938. How long was that after you had seen Mr. van Eyssen and been shown this telegram?—The discussion in Parliament lasted for several days, and I think it was about a fortnight after that.

2939. You got a communication in regard to this telegram and you sent a reply?—Yes, the writer of the letter wanted the wording of the telegram, I could not give that, but I gave the contents.

2940. That would have been after there had been the discussion in *Die Burger* with regard to this telegram?—Yes, I suppose so.

APPENDIX.

[A.]

TRANSLATION OF PETITION OF GEN. THE HON.
J. B. M. HERTZOG.

To the Honourable the Speaker and Members of the House of Assembly of the Union of South Africa in Parliament assembled.

The petition of the undersigned, James Barry Munnik Hertzog, member of the House of Assembly for the electoral division of Smithfield, Orange Free State, respectfully sheweth :—

1. That on the 18th February ult., a certain Mr. J. L. van Eyssen presented himself to me in my room within these buildings as the representative of the Chamber of Mines of Johannesburg, with authority from the said Chamber to inform Members of Parliament about the strike existing at that time and the attitude of the Chamber in regard thereto.

2. That on that occasion, and subsequently also, the said Mr. van Eyssen assured me that the Chamber of Mines had no objection to the adoption by this Honourable House of the motion which I moved on the 21st February; and that, on the 21st February, after the motion had been moved, he even went so far as to assure me that if the motion were adopted the strike would be at an end within two days.

3. That about Thursday, the 23rd February, the said Mr. van Eyssen asked me, for reasons mentioned by him, to omit the words "or agreement" in line 3 of paragraph (a) of my motion. My reply was that I would not do it, but that nothing prevented the Government from moving an amendment to that effect.

4. That on Friday afternoon, the 24th February, or Thursday the 23rd February, the said Mr. van Eyssen in order, so he made it appear, to convince Honourable members of this House of the readiness of the Chamber of Mines to submit to the terms of the said motion, if adopted by this House, and by so doing to bring the strike to an end, showed me within these buildings and in the presence of two other Honourable Members a telegram, or what he pretended to be a telegram, which he alleged he had received from the Chamber of Mines in reply to a telegram sent by him to the Chamber in which he asked whether the Chamber was prepared to accept the motion before the House.

5. That the contents of the said telegram were as previously stated by me to this House, viz., that the Chamber would submit to the said motion, if adopted by this House.

6. That it now appears that the said Mr. van Eyssen denies that he ever received such a telegram from the Chamber of Mines, or that he ever showed such a telegram to me or to anybody else, or that he ever pretended to me or to others that the Chamber of Mines was at any time prepared to submit to the said motion.

7. That in as far as he denies that he showed the telegram, or what he pretended to be a telegram, and in as far as he denies that he gave the assurance that the Chamber of Mines was prepared to accept the motion, the said Mr. van Eyssen says what is untrue.

8. That if it is true that Mr. van Eyssen never received the telegram mentioned in paragraph 4 from the Chamber of Mines, he forged the said telegram in order to mislead Honourable Members of this House in connection with the deliberations of this Honourable House.

9. That by his above mentioned acts he has by false representations misled me and other Honourable Members of this House in the performance of our duties, or has tried to do so, and has by so doing caused that I and other Honourable Members have run the most serious risk of being suspected and accused of deliberately telling untruths to this Honourable House.

WHEREFORE I pray that it may please your Honourable House to have a Select Committee appointed by Mr. Speaker to enquire into and report upon the facts herein mentioned and to ascertain the truth with regard to the abovementioned telegram.

And your petitioner, as in duty bound, will ever pray.

(Signed) J. B. M. HERTZOG.

[B.]

PETITION OF MR. J. L. VAN EYSEN.

To the Honourable the Speaker, and Members of the House of Assembly of the Union of South Africa in Parliament assembled.

The Petition of the undersigned, Jacobus Lodewicus van Eyssen, Mining Engineer, presently residing at the Mount Nelson Hotel, Cape Town, respectfully sheweth:—

1. That it has come to the knowledge of your Petitioner that on the 20th day of April, 1922, a petition was submitted on behalf of the Honourable General James Barry Munnik

Hertzog, to this Honourable House whereby, as appears also from reports published in the press, he prayed that this Honourable House would appoint a Committee to investigate certain facts in connection with a certain telegram alleged by the said Petitioner to have been shown by me to him, and which he alleges gave him the impression that the Chamber of Mines, which I represent in Cape Town, was agreeable to the acceptance of the terms of the motion which had been introduced by the Honourable Member referred to, on or about the 21st February 1922, and having relation to the strike then existing upon the Rand.

2. From statements previously made by the Honourable Member to your Honourable House, it is apparent to your Petitioner that it will be a matter of great importance to him and he may suffer irreparable injury unless the whole of the facts as known to him relating to the conversations which took place between your Petitioner and the said Honourable Member are laid before the Committee to be appointed in terms of the said petition and particularly a certain letter written by your Petitioner to the said Honourable Member on the 25th February, 1922.

3. It is not possible for your Petitioner at this stage to go into the merits of the matters in dispute because of the fact that your Petitioner is debarred by the rules of your Honourable House from obtaining a copy of the said Petition, and it is essential that he be allowed to obtain a copy thereof.

4. Furthermore, in view of the great importance that the matter obviously has to your Petitioner, he respectfully submits that it is vitally necessary in his interest that he be allowed by leave of this Honourable House to be represented before the said Committee by Counsel and/or a Parliamentary Agent.

WHEREFORE your Petitioner humbly prays that your Honourable House will be pleased to take this Petition into consideration and grant such relief as it may deem fit and in particular to order that the scope of the enquiry of the said committee be extended so as to include the letter bearing date the 25th February, 1922, above referred to, as also all facts relating to all the conversations which took place between your Petitioner and the Honourable Member, and that an order be made accordingly and that leave be granted to your Petitioner to obtain from the Clerk of this Honourable House a copy of the Petition of the Honourable Member forthwith, and that your Petitioner be granted permission by this Honourable House to be represented by Counsel and/or Parliamentary Agent before the said select Committee and your Petitioner in duty bound will ever pray.

J. L. VAN EYSEN.

[C.]

TRANSLATION OF LETTER DATED 6TH APRIL, 1922,
FROM MR. N. C. HAVENGA, M.L.A., TO MR. J. L.
VAN EYSEN.

House of Assembly,
Cape Town,
6th April, 1922.

J. L. van Eyssen, Esq.,
Mount Nelson Hotel,
Cape Town.

Dear Mr. van Eyssen,—I am requested by General Hertzog to ask you kindly to send him by bearer hereof a verbatim copy of the telegram of the Chamber of Mines which you showed to him and Mr. I. P. van Heerden, M.L.A., for Cradock, and others, as having been received by you in answer to a telegram with regard to the acceptance of General Hertzog's motion.

No doubt you noticed in this morning's *Cape Times* that the Chamber denies that such a telegram was ever sent by them, and it is essential that General Hertzog should be able to produce a verbatim copy of the abovementioned telegram, otherwise he will be obliged to take other steps in the House this afternoon to enable him to prove the contents of the telegram.

Thanking you in anticipation.

Yours truly,
(Sgd.) N. C. HAVENGA.

[D.]

TRANSLATION OF LETTER, DATED 25TH FEBRUARY,
1922, FROM MR. J. L. VAN EYSEN TO GEN. THE
HON. J. B. M. HERTZOG, M.L.A.

Cape Town,
25th February, 1922.

Dear General Hertzog,—There appears to be a misunderstanding regarding our attitude in reference to your motions now before the House, and I would like to make the position clear :

(1) It is no concern of ours whether the eventual commission is appointed by way of a Select Committee or by the Government. As far as we are concerned, we shall welcome the most searching investigation in connection

with everything which gave rise to the Strike and the continuation thereof, because we know that we have laid all the facts before the Country and Parliament, and have tried to make the position of the low-grade mines and the industry as clear and exact as possible.

(2) But as has appeared from our conversations, there are points in your motion which we certainly cannot accept, namely, those points which are opposed to the solution suggested by us for the salvation of the low-grade mines.

I trust our position is now quite clear, and if there should be any point about which you desire further information I shall, as hitherto, be only too glad and prepared to supply the same.

It is not our policy to be mixed up with matters of a Party-Political character, but to remain outside that sort of thing, because we feel that the salvation of the low-grade mines concerns the whole country and your party as much as the Government.

Your friend,

(Sgd.) J. L. VAN EYSEN.

[E.]

TRANSLATION OF LETTER, DATED 5TH APRIL, 1922,
FROM MR. J. L. VAN EYSEN TO MR. N. C.
HAVENGA, M.L.A.

[*Private.*]

Box 246, Cape Town,
5th April, 1922.

Dear Mr. Havenga,—With regard to your letter of the 6th (?) inst., I'll be glad if you could give me more details, in which case I shall with pleasure look through all my telegrams and let you have the one you desire. As far as I am aware I never showed a telegram either to you or to Mr. van Heerden.

Unfortunately, General Hertzog suddenly grew angry this morning and walked off. Consequently, it was impossible to discuss the matter. He was angry, among other reasons, because I did not show him the telegram of the Chamber of Mines. Allow me to say that I did not consider that to be my duty, but in my letter of the 25th February I acquainted him with their views. I consider he had no right to expect more from me.

Yours,

(Sgd.) J. L. VAN EYSEN.

[F.]

TRANSLATION OF LETTER, DATED 6TH APRIL, 1922,
FROM MR. J. L. VAN EYSEN TO MR. N. C.
HAVENGA, M.L.A.

[Confidential.]

Cape Town,
Thursday, 6th April, 1922.

Dear Mr. Havenga,—I am anxious to do whatever I can to solve the unfortunate and unpleasant misunderstanding. You can easily understand that the interests which I am serving here deserve this, and, in addition, my friendship with many members of your party, especially with General Hertzog, demands that all this bitterness shall terminate in a wise manner—the sooner the better.

Please let me know the approximate day and date when it is presumed that I showed a telegram or telegrams to you or Mr. van Heerden which could give the impression that the Chamber of Mines had accepted General Hertzog's motion, and I shall do whatever is reasonable to satisfy you, even if I were to get from the postmaster copies of all telegrams sent me by the Chamber of Mines during those days.

Further, I wish to propose that we meet each other to discuss the whole position in order to make an end to the whole business. And in connection herewith I shall gladly be the least.

After 10 a.m. to-morrow I shall be at your service.

Yours,

(Sgd.) J. L. VAN EYSEN.

[G.]

TRANSLATION OF DRAFT LETTER, DATED 2ND
MARCH, 1920, FROM SENATOR THE HON. I. W. B.
DE VILLIERS TO *DIE BURGER*.

Wynberg, 2nd March, 1922.

With regard to the two articles in *Die Burger* of to-day's issue under the headings "The case of van Eyssen" and "The history of the van Eyssen affair", my personal experience enables me to support what is said about the action of Mr. van Eyssen.

On Tuesday afternoon, last week, I was walking through the lobby to the House of Assembly. The corridor was comparatively empty, but I noticed some one standing alone at one of the tables. As I was on the point of passing him he spoke to me and said: "The Chamber of Mines is perfectly satisfied with the motion of General Hertzog". and he added "I have written a note to General Hertzog." I did not know him and asked him who he was, and he replied: "I am van Eyssen, and represent the Chamber of Mines." I replied: "I am glad to hear this," adding "though the workers are having a hard time, the mine owners will not escape without injury." He answered: "Yes, when two big men fight both are injured." Without continuing the conversation I then walked on and when I entered the House of Assembly Chamber, Mr. Boydell and General Smuts were speaking.

What passed between us I am giving in the very words as far as I remember them. We spoke about nothing else, and he added no qualification whatever with regard to the satisfaction with the motion of General Hertzog.

[Appendices H, I, J, K, not printed.]

[L.]

TELEGRAM, DATED 23RD FEBRUARY, 1922, FROM
VAN EYSEN TO "BULLION," JOHANNESBURG.

Is settlement on lines General Hertzog's motion acceptable to you. Reply without delay.

J. L. van Eyssen.
Box 246.

[M.]

TELEGRAM, DATED 23RD FEBRUARY, 1922, FROM
"BULLION" TO VAN EYSEN, MOUNT NELSON
HOTEL, CAPE TOWN.

General Hertzog's motion quite impracticable and entirely unacceptable to us.

Actuary & Labour Adviser, Chamber of Mines.
23 2 22.
F. Gemmill.

[Appendix N. not printed.]

[S.C. 4—'22.]

[O.]

TRANSLATION OF NOTES BY GEN. THE HON.
J. B. M. HERTZOG, M.L.A., OF ADMISSIONS
ALLEGED TO HAVE BEEN MADE BY MR. J. L.
VAN EYSEN AT INTERVIEW ON 5TH APRIL,
1922, IN WHIPS' ROOM, HOUSE OF ASSEMBLY.

Volksraad,
Kaapstad.

Van Eyssen acknowledges :—

1. That he sent the telegram mentioned to the Chamber of Mines in consequence of request by the member for Cradock for proof that Chamber accepts motion.

2. That the answer published in the newspaper was received by him.

3. That he did not show this answer to any of us.

4. That instead thereof, he read the telegram mentioned by me, to us as the answer.

5. That he now refuses to give me a copy of the telegram shown me.
